THE RULE OF LAW AND FOOD SECURITY: AN ASSESSMENT OF THE RIGHT TO FOOD IN KENYA.

BY

WINNIE MULIA MAKAU

A THESIS SUBMITTED TO THE SCHOOL OF HUMANITIES AND SOCIAL SCIENCES IN PARTIAL FULFILLMENT OF THE REQUIREMENT FOR THE DEGREE OF MASTER OF ARTS IN INTERNATIONAL RELATIONS – DEVELOPMENT STUDIES

UNITED STATES INTERNATIONAL UNIVERSITY – AFRICA

SPRING, 2019
DECLARATION
I, undersigned, declare that this research is my original work and has not been submitted to any college, university or other institutions of higher learning for any academic award, other than United States International University – Africa for academic credit. The ideas and reviews of this research are a product of research conducted by me.

Signature: ...........................  Date: ...........................

Winnie Mulia Makau – 655035

This research has been presented for examination with my approval as the supervisor.

Signature: ...........................  Date: ...........................

Mr. George Kabongah (Supervisor)

Signature: ...........................  Date: ...........................

Dean, School of Humanities and Social Sciences

Signature: ...........................  Date: ...........................

Deputy Vice Chancellor, Academic Affairs
COPYRIGHT

Copyright © Winnie Mulia Makau, 2019

All rights reserved.
DEDICATION

I dedicate this project to my family, whose unwavering support has carried me throughout this whole process. I am very grateful to my father, Prof. Reuben Matheka, and my mother, Zipporah Makau, who prayed for me, encouraged and inspired me to pursue a Master’s degree.

To my siblings, Grace, Matheka, Koki and Mumbe, thank you for supporting and encouraging me to work hard and complete this degree and project.
ACKNOWLEDGEMENT

The process of conducting this research and compiling the report has not been easy: it has challenged me, pushed me to my limits and taught me a lot. I am very grateful for the abundant grace of God Almighty, grace that has kept me going and strengthened me to see this project through.

This thesis project would not have been possible without the invaluable input from my supervisor, Mr. George Kabongah. My heartfelt gratitude goes to him for taking the time to guide me through the entire process; his wise counsel, timely feedback, encouragement and unwavering support have made this project what it is.

I would also like to appreciate the important input from my reader, Dr. George Katete, who provided a different perspective, corrected and challenged me to do better and assisted me in any way he could.

I am eternally grateful to my family and friends who stuck by me through this grueling process, prayed with and for me, supported me materially and otherwise, and provided a safe haven when I got discouraged. To my parents and siblings, my friends Deborah, Faith, Carole, Joannita, Mark, Annabelle, to mention a few, who helped me with valuable insight and support.

I appreciate the respondents who took time out of their day to talk to me and provide great insight into my research; their response was greatly appreciated.
ABSTRACT

Hunger and food insecurity are present and prominent threats to human development, and are especially dire in the developing world. At least a third of Kenya’s population suffers from chronic and routine hunger and malnutrition, including farmers, pastoralists, and people living in both rural and urban areas of the country. While this situation of food insecurity has been caused by technical issues such as climate change, poor quality seeds, soil degradation and reliance on rain-fed agriculture, structural issues have been a key obstruction to the achievement of food security.

These issues include corruption and graft, gender inequality, weak coordination of policies, low levels of investment in research and extension services, poverty and infrastructure. There is also a clear disconnect between legislation and action in reference to policies and programmes meant to address food insecurity in Kenya.

The main objective of this research is to demonstrate that the rule of law does play a role in the process of pursuing food security; a rights-based approach to food security is just as important as a market-based approach. The researcher identified key issues that threaten food security in Kenya including poverty, low productivity, climate change, corruption and misappropriation of funds, and poor post-harvest storage and management of products.

This research employed a mixed methodology – primary and secondary- with a heavy reliance on secondary data collected from policy documents, international organizations reports, books, journals and articles on food security, and primary data sourced from experts in various organizations in the food security sector. This was done through in-person interviews.

For Kenya to overcome the structural challenges that threaten food security, the rule of law needs to be effectively implemented equally, on all citizens. There is also a need to address the gap
between policy and legislation and their implementation on the ground, support small scale farmers in greater capacities through funding, provision of seeds, research and extension services as well as technological support, implementing policies that promote gender equality especially regarding women ownership of land and factors of production, implementation of the Food Security Bill and the elimination of patronage relationships in high ranking offices.
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>DECLARATION</td>
<td>ii</td>
</tr>
<tr>
<td>COPYRIGHT</td>
<td>iii</td>
</tr>
<tr>
<td>DEDICATION</td>
<td>iv</td>
</tr>
<tr>
<td>ACKNOWLEDGEMENT</td>
<td>v</td>
</tr>
<tr>
<td>ABSTRACT</td>
<td>vi</td>
</tr>
<tr>
<td>LIST OF ABBREVIATIONS</td>
<td>xi</td>
</tr>
<tr>
<td>CHAPTER ONE</td>
<td>1</td>
</tr>
<tr>
<td>1.1: INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>1.2: Background of the Study</td>
<td>1</td>
</tr>
<tr>
<td>1.3: Problem Statement</td>
<td>7</td>
</tr>
<tr>
<td>1.4: Research Objectives</td>
<td>8</td>
</tr>
<tr>
<td>1.5: Research Questions</td>
<td>8</td>
</tr>
<tr>
<td>1.6: Justification and Significance of the Study</td>
<td>9</td>
</tr>
<tr>
<td>1.7: Scope of the Study</td>
<td>9</td>
</tr>
<tr>
<td>1.8: Operational Definitions</td>
<td>10</td>
</tr>
<tr>
<td>1.9: Theoretical Framework</td>
<td>10</td>
</tr>
<tr>
<td>CHAPTER TWO: LITERATURE REVIEW</td>
<td>13</td>
</tr>
<tr>
<td>2.1: Introduction</td>
<td>13</td>
</tr>
<tr>
<td>2.2: Relationship between the Rule of Law and Sustainable Development</td>
<td>13</td>
</tr>
<tr>
<td>2.3: Human Security</td>
<td>15</td>
</tr>
</tbody>
</table>
2.4: Food Security in Human Security .............................................................. 17
2.5: The Right to Food and Freedom from Hunger ........................................ 18
2.7: History of Food Security in Kenya .......................................................... 20
2.8: Rule of Law and Food Security: Lessons from India .............................. 22
2.9: Achievements in Food Security in Kenya ................................................ 25
Summary ............................................................................................................. 27

3.0: CHAPTER THREE: RESEARCH METHODOLOGY .................................... 28

3.1: Introduction ................................................................................................. 28
3.2: Research Design .......................................................................................... 28
3.3: Target Population ......................................................................................... 28
3.4: Sampling Design and Size .......................................................................... 28
3.5: Data Collection ............................................................................................ 29
3.5.1: Data Sources ........................................................................................... 29
3.5.2: Instruments of Data Collection ............................................................... 29
3.6: Data Analysis ................................................................................................ 29
3.7: Ethical Considerations ................................................................................ 30

CHAPTER FOUR: FINDINGS AND DISCUSSION ........................................... 31

4.1: INTRODUCTION .......................................................................................... 31
4.2: THREATS TO FOOD SECURITY IN KENYA ........................................... 31
4.3: EXISTING POLICIES ON FOOD SECURITY IN KENYA ......................... 41
4.3.1: Constitution of Kenya ............................................................................ 41
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.3.2</td>
<td>National Plan of Action on Nutrition in 1994</td>
<td>42</td>
</tr>
<tr>
<td>4.3.3</td>
<td>Vision 2030</td>
<td>42</td>
</tr>
<tr>
<td>4.3.4</td>
<td>Kenya National Food and Nutrition Security Policy 2011</td>
<td>46</td>
</tr>
<tr>
<td>4.3.5</td>
<td>Food Security Bill 2014 and 2017</td>
<td>49</td>
</tr>
<tr>
<td>4.3.6</td>
<td>Big Four Agenda</td>
<td>51</td>
</tr>
<tr>
<td>4.4</td>
<td>INSTITUTIONS OF FOOD SECURITY IN KENYA</td>
<td>53</td>
</tr>
<tr>
<td>4.4.1</td>
<td>Ministry of Agriculture, Livestock, Fisheries and Irrigation</td>
<td>53</td>
</tr>
<tr>
<td>4.4.2</td>
<td>Kenya Agricultural and Livestock Research Organization (KALRO)</td>
<td>55</td>
</tr>
<tr>
<td>4.4.3</td>
<td>Food and Agriculture Organization (FAO)</td>
<td>56</td>
</tr>
<tr>
<td>4.4.4</td>
<td>World Food Programme (WFP)</td>
<td>60</td>
</tr>
<tr>
<td>4.5</td>
<td>THE ROLE OF INSTITUTIONS IN FOOD SECURITY</td>
<td>61</td>
</tr>
<tr>
<td>4.6</td>
<td>IMPACT OF CORRUPTION ON FOOD SECURITY IN KENYA</td>
<td>62</td>
</tr>
<tr>
<td>4.7</td>
<td>SUMMARY OF FINDINGS</td>
<td>65</td>
</tr>
<tr>
<td>5.1</td>
<td>INTRODUCTION</td>
<td>70</td>
</tr>
<tr>
<td>5.2</td>
<td>Summary</td>
<td>70</td>
</tr>
<tr>
<td>5.3</td>
<td>Recommendations</td>
<td>71</td>
</tr>
<tr>
<td>5.4</td>
<td>Conclusion</td>
<td>76</td>
</tr>
<tr>
<td>5.5</td>
<td>Future Prospects</td>
<td>77</td>
</tr>
<tr>
<td>5.6</td>
<td>REFERENCES</td>
<td>79</td>
</tr>
<tr>
<td>5.7</td>
<td>APPENDICES</td>
<td>88</td>
</tr>
</tbody>
</table>
**LIST OF ABBREVIATIONS**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>KFSSG</td>
<td>Kenya Food Security Group</td>
</tr>
<tr>
<td>MDG</td>
<td>Millennium Development Goal</td>
</tr>
<tr>
<td>SDG</td>
<td>Sustainable Development Goals</td>
</tr>
<tr>
<td>UNCED</td>
<td>UN Commission on Environment and Development</td>
</tr>
<tr>
<td>UNEP</td>
<td>United Nations Environment Programme</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
</tr>
<tr>
<td>FAO</td>
<td>Food and Agriculture Organization</td>
</tr>
<tr>
<td>WFP</td>
<td>World Food Programme</td>
</tr>
<tr>
<td>USAID</td>
<td>United States Agency for International Development</td>
</tr>
<tr>
<td>UDHR</td>
<td>Universal Declaration on Human Rights</td>
</tr>
<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>NCPB</td>
<td>National Cereals and Produce Board</td>
</tr>
<tr>
<td>KARI</td>
<td>Kenya Agricultural Research Institute</td>
</tr>
<tr>
<td>KALRO</td>
<td>Kenya Agricultural and Livestock Research Organization</td>
</tr>
</tbody>
</table>
CHAPTER ONE

1.1: INTRODUCTION

This section contains the background information on the general idea of sustainable development, rule of law and food security, the problem statement, research objectives and questions, the significance of the study and operational definition of terms.

1.2: Background of the Study

The Rule of Law

The rule of law is not a new concept as human society has been governed by laws since the beginning of time. It helps to maintain a semblance of order and normalcy, and governs how humans interact with each other in fairness and equality. Owing to the human aspect of it, the rule of law ought to be well documented and widely accepted by the citizenry; i.e. a well written constitution that a large percentage of the population accepts, often through a referendum.

The rule of law is defined as a legal concept where all individuals and institutions within a specific society adhere to a fair and equally enforced set of laws consented to by the general population. For a country or society to claim that their legal system is governed by the rule of law, it must be characterized by four principles: government officials must answer to the law just as citizens do, the laws must be publicly known, fair and applicable to each individual, the law should be justly enforced, and that justice should be delivered on a timely basis and by unbiased and ethical legal officials. (Michael, 2019)
Food Security and the Rule of Law

According to FAO, food security is the situation where all people at any given time have physical, social and economic access to healthy, safe and nutritious food that meets their food preferences and dietary needs for an active and healthy life. While food security is largely determined by the physical supply to food, other factors like access and distribution of food can affect food security in a country. As such, legal frameworks should be aimed towards ensuring equal and fair access to food, and institutions related to food security should adhere to these legal rules.

Some of the legal frameworks relevant to food security include: the right to food – embedded in the universally accepted UDHR of 1948 as a basic human right and is legally binding on states after the ICESC came into force; gender equality – women as vulnerable groups in food security; non-discrimination of minority groups such as the elderly, people living with HIV/Aids, indigenous persons; and accountability of the state and its institutions towards achieving food security.

Latin America and the Caribbean is one of the leading regions in the world in terms of food production and export, and is the only region that achieved the MDG goal of halving the number of people affected by hunger between 1990 and 2015. Despite the abundance of food produced in the region, the populations living in rural areas are still affected by food insecurity owing to issues of access rather than the physical absence of food. this situation can be remedied through ongoing initiatives of reducing poverty, economic growth and decisive political and public action to create policies and institutions that highly impactful on the poor food insecure parts of their population.
The world produces enough food to feed everyone, and yet each day, millions of people go to bed hungry, and millions more are vulnerable to food-related conditions such as malnutrition. The history of humanity, since time in memorial, has been a history of hunger—every society in the world has at one point in time faced severe famine, and some have been destroyed by it. Most of these famines and hunger crises have been caused by environmental problems that in the past people believed were beyond human control; longer than normal rains that killed off a year’s worth of crop, rivers drying up, a new breed of crop diseases that wipes out large percentages of yield, the market quibbles just a bit and then collapses, leading people to starve. (Stern, 2014)

Famines have also been caused by political and military campaign, human error, regional civil strife, mismanagement of the agricultural sector. While a lot can be attributed to the weather and the environment, in most parts of the world, hunger has been a byproduct of political tumult and poor government policies. The human aspect of society plays a bigger role in perpetuating hunger compared to the environmental causes. For instance, the great Chinese famine of 1959 to 1961 was largely attributed to Mao Zedong’s Great Leap Forward plan that collectivized farmland in an effort to build a communist paradise in China that went wrong. This famine was not only vast and dire, but manmade and political, born of totalitarianism. (Branigan, 2013)

Hunger is more than the absence of food, or the physical bodily condition caused by a lack of food; it is about human aspects of choice, opportunity, emotions and capabilities. It involves the lack of nutritious food, malnourished people, wastage, undernourishment, high child mortality rates and under-productivity. Dealing with hunger involves ensuring food security, promoting sustainable agricultural practices, alleviating poverty, promoting nutritive consumption and healthy food practices. Ending hunger is a collective action with great positive resonance to human security and human development.
**Why Zero Hunger?**

Terms such as food security and sustainable development are fairly recent, but the world has been battling hunger and famine since ancient times. As countries continued to develop in the 20th century, they exploited the environment for natural resources, built industries and perform other developmental projects. This resulted in dire consequences for the environment, with increasing temperatures and declining rainfall due to deforestation, carbon emissions from industries, climate change due to degradation of the ecosystem, and reduction of productivity due to exploitation of finite resources.

The international community began to look for solutions to conserve the environment since the rate of development compared to the present environment was not sustainable. The concept of sustainable development emerged as a response to this dilemma, in the hope of reconciling the environment with social and economic parameters. Destruction of the environment meant reduced agricultural productivity, along with climate change which was causing unpredictable weather patterns that made agricultural activity difficult.

The international community came together in a series of conferences in the 1980s and 1990s to focus on matters of sustainable development such as environmental protection, economic development, food security and eradicating hunger, poverty, rights of women and minorities, disease and education. The World Food Summit in 1996 defined food security as the all-time access to nutritious, healthy and safe food for all people in order to enjoy a happy and productive life. This conference gave food insecurity and hunger a multidimensional aspect on global, regional and national levels, giving a new vision towards the efforts against them. (UN Chronicle, 2012)
Research into major issues affecting sustainable and human development conducted by the World Bank, OECD and the International Monetary Fund culminated in the Millennium Summit of 2000, where more than 100 countries came together to create a framework for development. The report, *We the People*, outlined several challenges facing humanity, and created a time-bound goal-oriented framework – the Millennium Declaration – to tackle these problems. The Millennium Declaration was adopted by 189 countries, with eight global goals to address poverty and hunger, human rights, environmental protection, HIV/Aids and other diseases, maternal health and child mortality, and global partnerships for development. Each goal had targets and indicators that were to be achieved by 2015.

The number of people affected by hunger and food insecurity by 2000 was close to a billion people, mostly concentrated in developing countries in Africa and Asia. Between 2000 and 2015, this number reduced to 800 million people, also concentrated in developing countries. Though this was still progress made during the MDG era, the number was still unacceptably high, prompting the UN to prioritize food security and ending hunger in the Sustainable Development agenda, by making it the second goal of the seventeen. (WFP, 2015)

The second goal of the SDGs is geared towards achieving zero hunger, by aiming to “end hunger, achieve food security and improved nutrition and promote sustainable agriculture”. While large strides were made in the pursuit of Millennium Development Goals to eliminate hunger – cutting the number of hungry people by half by 2014 – the number of people that are malnourished, hungry and lacking in adequate food is still high. This food insecurity and malnutrition is often caused by loss of biodiversity, drought, environmental degradation and poor agricultural practices. (Sustainable Development Report, 2018)
Hunger is the most prominent cause of death in the globe today, especially in Africa, Latin America and parts of Asia. Across the world, a lot of men and women have struggled to feed themselves and their children, not having adequate amounts of food, and in cases where it is available, lacking in nutritional value. Achieving the eradication of hunger has been one of the greatest problems in recent times, and the consequences for not having enough food to sustain populations and ensure nutritious provisions have been dire and costly, especially in terms of human lives and productivity. According to the World Food Programme, one in eight people in the world goes to bed hungry each day, and furthermore, one in three suffers from a form of malnutrition. (WFP, 2018)

Kenya has an approximated population of 48.5 million people, with at least 36% of this population living below the poverty line in temporary urban housing and others in rural areas which are either arid or semi-arid. These people are hugely impacted by poverty, disease, structural underdevelopment, hunger and malnutrition as well as poor sanitation and hygiene. A significant percentage of the poor include children under the age of five, who are vulnerable to malnutrition because their parents cannot provide adequate and balanced food for them, and the child mortality from malnutrition and other food-related deficiencies like stunted growth is rather high. (WFP, 2018)

Issues of food security and hunger have often been viewed as fields in which the rule of law has very little impact, and have been left to agriculturalists and environmental scientists. Food security is multidimensional, based on the pillars of food availability, stability of the supply, access to food and its utilization. It can be caused by economic pressure – especially fluctuating food prices, climate change and an increasing scarcity of land due to increased population and land grabbing by multinational corporations (USAID, 2013).
Hunger, especially in developing countries, is caused by unequal access rather than insufficient levels of production (FAO, 2012). Those that are food insecure often cannot afford the available food or they lack the resources they need to produce the food they need themselves. These hungry populations are also often disadvantaged over a framework of rights: they may face discrimination by gender, or race, or religion; they may be illiterate; unemployed; lack property rights and the access to resources; all factors that work as an impediment to achieving food security. This shows that hunger and food insecurity is not only multifaceted, but can also be attributed in large part to social discrimination and inequalities (USAID, 2013)

A rights-based approach to food insecurity is based on legal frameworks of international human rights that are binding on states. The right to food was first recognized by UDHR in 1948 as a right, and made legally binding in the International Covenant on Economic, Social and Cultural Rights in 1976. The right to food requires that food be available, adequate and accessible to the people without restriction – economic or social – and meet all dietary needs. This right also obligates governments and states to protect, respect and fulfill the right to food for all its citizens (Human Rights Council, 2008).

1.3: Problem Statement

According to WFP, at least a third of Kenya’s population is severely affected by hunger and malnutrition due to food insecurity, a situation that has caused a lot of suffering, loss of life, and low levels of economic development. This situation has been caused by environmental effects of unpredictable weather, drought and famine, desertification and reduced soil productivity. In addition, marginalization, corruption, impunity and unequal distribution of resources has also contributed largely to food insecurity and hunger in Kenya, making the achievement of the second SDG a seemingly elusive concept. The rule of law is meant to ensure equality of all
people before the law, institutions of justice, and mechanisms of accountability, proper allocation of national resources as well as ensuring fairness, justice and rights of all people.

Kenya’s potential to produce a lot of food does not match the number of Kenyans that go hungry every day. Government projects to promote food security through irrigation schemes, providing seeds and farm inputs to farmers have failed, often due to corruption. This research aims to assess the situation in Kenya regarding hunger and food insecurity, and why hunger is still prevalent in the country despite great agricultural productivity potential and a sound legal framework. In addition, the research will provide recommendations on how the rule of law can be utilized properly to alleviate food insecurity through a rights-based approach through the legal and policy frameworks in Kenya.

1.4: Research Objectives

The study will be guided by the general objective: to demonstrate how the rule of law or its absence has contributed to food insecurity in Kenya. The specific objectives are:

1. To explore the challenges facing food security in Kenya.
2. To examine the role of institutions in achieving food security in Kenya.
3. To assess how the rule of law can be utilized to achieve food security in Kenya.

1.5: Research Questions

1. What are the threats that contribute to food insecurity in Kenya?
2. What is the role of institutions on the food security status in Kenya?
3. How can the rule of law be used to achieve food security in Kenya?
1.6: Justification and Significance of the Study

Food security is one of the most crucial aspects of human development, as it ensures that a population is healthy, well-fed and highly productive, which translates to economic development. With a third of its population living in poverty and extreme hunger, Kenya needs to find practical solutions to solve this problem and ensure a food secure nation and a healthy population. Kenya has a strong legal framework, including the constitution itself that if implemented properly, would go a long way in alleviating the suffering of those facing hunger and food insecurity.

This research hopes to show the importance of the rule of law in curtailing corruption, impunity and inequality, all of which have contributed to the failure to achieve food security in Kenya. In doing so, a contribution to existing literature on the relationship between the rule of law and food security, which is scant, will be made.

The research also intends to make practical policy recommendations that can be implemented to promote food security in Kenya. By establishing a relationship between achievement of food security and the rule of law, this research can encourage policy changes that are specific to the Kenyan context and its institutions of food security to implement and improve the state of the country’s hunger problem.

1.7: Scope of the Study

This study regarding the rule of law and food security was confined to the Kenyan context. The research referenced to legal instruments and policy frameworks that are specific to Kenya, and how they can be used to alleviate food insecurity and hunger in Kenya.
1.8: Operational Definitions

**Sustainable development** - sustainable development is a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development, and institutional change, are carried out in such a way that satisfies current needs while ensuring the ability of future generations to meet their needs.

**Food security** - the condition in which all people, at all times, have physical, economic and social access to sufficient food that meets their dietary needs and food preferences for a happy and healthy life. A state of food security is one where the people can access food physically, can afford to purchase the food, utilize it in recommended nutritional portions and that the food they consume is free of disease and toxins, thus safe and healthy.

**Rule of law** - a principle of governance in which every person, entities and institutions, either private or public, inclusive of the State itself, are accountable to laws that are publicly promulgated, equally enforced and adjudicated independently, and that are consistent with international human rights and standards. The rule of law is deeply embedded in a country’s constitution, one that has been approved after having been understood and accepted by the citizens of the country, through referendum. The rule of law ensures that everyone is equal in the eyes of the law, as everyone is subject to it.

1.9: Theoretical Framework

**Constitutionalism Theory** – is the idea that government can and should be legally limited in its powers, and its authority and or legitimacy are dependent on its observations of these limitations. This theory argues that enacting good laws is crucial to success of constitutionalism itself, and that an ideal constitution is premised on development as it entails the protection of people’s economic, social and political rights without discrimination. In practice however,
constitutionalism in developing parts of the world like Africa is characterized by manipulation of power to extend stay in office. Ideally, citizens expect their leaders to respect the provisions of the rule of law – constitution, but in many instances political power fails majority of the citizenry by failing to uphold the rule of law. This theory is based on the works of John Locke and the founders of the American Republic (Chulu, 2016).

This theory has been utilized in this research because the rule of law originates from the highest law of the land, which is often a publicly promulgated and accepted constitution. The Constitution of Kenya was promulgated in 2010, before which a referendum was conducted for the general public to either endorse or deny the constitution, and it was endorsed by a large majority. This constitution houses the Bill of Rights, and among these rights is the right to food and freedom from hunger for the Kenyan people, which is a major guiding point for this study.

**Institutionalism theory**

According to the works of Douglas North, institutions matter significantly to any society, regardless of the sector, and that institutions ensure the society’s continuity by connecting the past and the present. He defines institutions as structured rules for economic, political and social interactions created by human beings to bring order and lower uncertainties, and are subject to incremental evolution over time. This evolving sequence is what connects the past to the present and future, and as institutions change and evolve, they also shape economic change in terms of growth, decline or stagnation. (Dugger, M. 1995)

Institutions are human made constrictions for interaction, normally made of formal rules such as the constitution, statutes, regulations, or informal rules such as beliefs, conventions, behavioral norms and how they are enforced. Organizations are the groups of people that come together to achieve the common objectives set by the rules and norms of institutions; political bodies like
parliaments and senates, social bodies like churches and clubs, economic bodies such as cooperatives and trade unions and educational bodies like training colleges and universities. (North, 2016)

The research utilized both the institutionalism theory and constitutionalism theory because of what they each represent. The constitutionalism theory places emphasis on the highest law of the land, how it is meant to work for the people and by the people and holds governments accountable to their citizens to fulfill their obligations. The constitution lays down the rule of law for a country, and enshrines the Bill of Rights, including the right to food and freedom from hunger, which is the basis for this research. Institutionalism theory was used to depict the organization required to fulfill human needs and keep order in society. Institutions are vital in food security due to the roles they play, as will be discussed in later chapters.
CHAPTER TWO: LITERATURE REVIEW

2.1: Introduction

This section will look at different views of authors in available literature regarding the rule of law and its impact on sustainable development, hunger and food security. In addition, the research will look at hunger from a human security and human rights perspective and compare different opinions regarding the same.

2.2: Relationship between the Rule of Law and Sustainable Development

Sustainable development law has been used to describe an emerging trend in international legal instruments that explain the nexus between environmental, economic and social laws (such as human rights) and how they can promote development for current and future generations. In international law, sustainable development as a concept requires the accommodation, reconciliation and integration of social justice especially human rights, economic growth and environmental protection. This should be done in order to ensure participatory efforts towards achieving quality life for the present and future. (CISDL, 2005)

This is a state-centered concept, consisting of governance and institutions, and the application of regulations, norms and procedures. The most basic aspect of the rule of law is that it is a set of rules and institutions that curtails any arbitrary abuse of power. The law must be clear, with the capability of being followed, applied in an impartial manner and enforced equally by the present institutions. In this aspect, the rule of law can be a great tool for development owing to its legality, predictability, due process and the clarity it guarantees. (Khan, 2017)

The rule of law concept is embedded in the charter of the United Nations, and the UN Secretary-General defines the rule of law as, “a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are
publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights and standards.” (S/2004/616) This definition of the rule of law is inclusive and diverse, adding the elements of the judiciary, international norms of human rights, ownership of the law through public promulgation, and the aspect of equality before the law, all of which are themes of sustainable development.

The rule of law is applicable both at the national and international levels. Nationally, the rule of law framework arises from the highest law of the land – a publicly promulgated Constitution – with strong justice-oriented institutions, accountability mechanisms for public officials and institutions, well-structured security and human rights mechanisms and good governance. Internationally, the rule of law is well structured in the Charter of the UN, and outlines the elements of state to state interactions. These relationships are also governed by international law, drawn from treaties, conventions and other multilateral agreements that form norms, institutions and rules of procedure in international relations. (Beswick & Jackson, 2013)

In essence, the rule of law consists of institutions, mechanisms of accountability, creating a peaceful and orderly environment for coexistence, means for allocation of national resources, and means of enforcing the possibility of fairness, justice and human rights. The relationship between the rule of law and sustainable development is increasingly recognizable, as the law plays the following developmental roles:

Enabling economic development,

Enhancing allocation of resources and services fairly,

Providing checks and balances for public officials and institutions and reducing corruption,

Citizenship and economic and social justice,
Preventing, mitigating and deterring violence, crime and conflict, and
Protecting natural resources and the environment (Desai & Berg, 2013)

Sustainable development is largely impacted by the rule of law in every aspect: the environment, equity and equality, good governance, food security, poverty and other socio-economic aspects. However, the literature revolving around this subject is general in nature, in that it speaks to the whole concept of sustainable development rather than a specific part of it. There is little literature regarding the rule of law and its specific impact on achieving food security.

2.3: Human Security

Human security as a concept emerged as a response to complexities and the inter-relationships of new and old security threats, i.e. from chronic poverty to ethnic violence, climate change, diseases and pandemics, international terrorism and human trafficking. These emerging trends of insecurity acquired transnational dimensions, prompting the need for an approach that went beyond traditional views of security – external military aggression. Human security itself also required an approach that was comprehensive and utilized a wide range of opportunities to target these integrated threats, approaches that acknowledged the interplays between development, human rights and national security. (UNDP, 2009)

Human security was conceptualized in 1994, following the UNDP’s Human Development Report by Mahbub ul Haq, which highlighted key issues that were being overlooked as threats to global security. These issues were economic security, food security, health security, personal security, environmental security, community security and political security. Over time, the above issues have been revised into five categories that form the security of human collectives: military security, political security, societal security, environmental security and economic security. (ibid)
Human security is defined as “a condition of existence in which basic material needs are met, and in which human dignity including meaningful participation in the life of the community can be met”. (Tomas, 2000: 160) Another definition provided for human security is that it is “the absence of threats to the core human values including the most basic human value, the physical safety of the individual”. (Hampson, 2002) In essence, human security is contributive to human fulfillment and embodies sets of freedoms enshrined by human rights – physical, civil and political liberties. Human security is however not sufficient for human fulfillment, and its processes should be consistent with other forms of human development through institutions, diversity and participation.

The principles of human security are:

It is people-centered – human security is participatory and inclusive, and considers individuals when defining their needs and how they can be met;

It is multi-dimensional – it addresses multiple sectors and ensures coherence across traditionally separate fields, and promotes dialogue between key actors in these fields;

It is comprehensive – it is holistic in its approach, covering all 7 threats to an individual, and develops multi-sectoral responses to these threats;

It is context-specific – human security requires a targeted approach, and is dependent on a given situation taking into account global, regional and national dimensions;

It is prevention-oriented – involves the identification of risks, threats and hazards and takes on a preventative approach of empowerment and protection. (UNDP, 1994)

Its main agenda is to bridge the gap between the freedom from fear and freedom from want. Freedom from fear approaches the practice of human security to the protection of people from
violent conflicts while acknowledging that these conflicts are innately linked with poverty, inequalities and lacking state capacity. This approach is mainly concerned with conflict prevention and mitigation, peace keeping and resolutions as well as emergency response to conflict to alleviate human suffering. Freedom from want advocates for an approach to human security that is holistic, in the fact that it needs to collectively address issues of hunger, disease, natural disaster, claiming that all these issues are inseparable and have cost more lives than wars, genocides or terrorism. It combines both development and security as opposed to the freedom from fear that emphasizes more on conflict. (Human Security Centre, 2008)

2.4: Food Security in Human Security

One of the targets for the second SDG – zero hunger – is to achieve food security. According to Food and Agricultural Organization, food security is “a situation that exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life”. (FAO, 2001) A situation of food insecurity can be caused by armed conflict, natural disasters, poor governance of the agricultural sector, poor government policies, swift declines in market prices and crop diseases. This interplay of factors creates a distinct link to human security, with regards to response, mitigation and prevention of food crises.

Food is a basic need of human life, and thus constitutes a fundamental element of growth and development. However, according to FAO, food insecure nations are mainly found in Africa and Asia, and are recognized as food deficit countries by the World Bank, and said to have little to no margin for survival in food crises (Kuntjoro & Jamil, 2008).
Food insecurity is complex and has numerous underlying causes apart from environmental causes, especially poverty, and is especially cyclical and chronic in nature. In terms of human security, the gaps and challenges in achieving food security have been identified to be:

Gaps in empowerment – more attention needs to be paid in empowering vulnerable groups, female-led agriculture and households, and poorest people in society.

Gaps in protection measures – more emphasis is needed for social safety nets and protection programmes to provide a cushion during food crises.

Gaps in international responses – this puts nations to task regarding coordination, response and coherence to food crises and emergencies to avoid overlaps of services. It also requires nations to place plans for long term solutions for development that requires solutions for food security in the long haul.

There are two major categories of food insecurity: *episodic insecurity* – often emergent situations that arise due to such circumstances as disease, conflict and economic shocks and create an immediate and pressing need for food. The second category is *chronic insecurity* – this is a situation where systemic inequalities and low income levels lead to lasting food insecurity with intermittent periods of episodic food insecurity (emergency crises). (Ndii, 2015)

2.5: The Right to Food and Freedom from Hunger

International human rights law guarantees every human being a right to food and to be free from hunger, envisioned in particular in the UN Committee on Economic, Social and Cultural Rights. This Committee draws on the works of Amartya Sen, who emphasizes that the problem of food insecurity is not due to the lack of food, it is due to inadequate capacity to take appropriate public action. The right to food is further enshrined in the UDHR of 1948 and other legally
binding conventions such as the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on the Rights of the Child (ICRC). (Eide, 2001)

Principle 27 of the Universal Declaration on Human Rights states that “everyone has the right to a standard of living adequate for the health and well-being of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

States that are party to these binding legal norms have the responsibility and obligation to take the appropriate measures, to the maximum of their available resources, to progressively pursue the full realization of these covenants. The state needs to ensure proper distribution of the resources available to its people for them to realize their full economic potential and contribute to national growth; it must also be a strong advocate and protector of their rights. (Principle 2, ICESCR)

In the Kenyan context, the Kenyan Constitution guarantees the right to food for all Kenyans and the freedom from hunger. Article 43 states that “every person has the right to be free from hunger, and to have adequate food of acceptable quality;” (Constitution of Kenya, 2010) Kenya is also a signatory to international legal instruments of human rights, including the Universal Declaration of Human Rights, and has domesticated their legal provisions into its municipal law.

While the right to food in the Kenyan constitution is explicit, its successful implementation is heavily intertwined with other rights and responsibilities also enshrined in the same constitution. Values of sustainable development, marginalized people protection, dignity of the human life, equity and inclusiveness all need to be realized to ensure food security. Any policy, legal and institutional interventions geared towards food security need to adhere to principles of good
governance recognized globally through the United Nations and encased in the law of the land – nationally – as well. Such principles include transparency, accountability, public participation, an independent judiciary and legal capacities. To this end, Article 21 of the constitution obligates the state to take measures aimed at the realization of all rights guaranteed by the Bill of Rights. In addition, special attention is paid to vulnerable groups such as the elderly, women, children, minorities, the disabled and people belonging to specific religious or cultural groups. (GOK, Constitution of Kenya, 2010) The right to food, in line with any other human right, obligates the state to respect, protect and fulfill that right and all provisions, in a timely manner, under it for its citizens. (Muhigua, 2018)

In 1974, an intergovernmental committee was formed by the United Nations to monitor, review, advise and offer recommendations on national policies on food security. The committee reports through the Economic and Social Council to the UN General Assembly, banding together stakeholders to promote universal food security. The committee recommended that the best approach to the right to food was for states to adopt national strategies and frameworks to ensure the realization of food security and nutrition for all its people. These strategies vary from one state to another due to a difference in national resources, poverty levels, political and economic climates among other factors. (ibid)

2.7: History of Food Security in Kenya

Kenya is one of the most diverse economies in sub-Saharan Africa, with agriculture as the backbone of this economy for a long time. At least 70% of the Kenyan population gains their income from agriculture related activities, both directly and indirectly. Agriculture is central to the development of Kenya, the source of living for most Kenyans and accounts for at least 18% of Kenya’s GDP. (Maina, 2018 ) A large part of the food produced in Kenya comes from
subsistence farming, and most of these subsistence farmers come from Kenya’s rural areas. Only about 20% of Kenya’s vast landscape is arable for farming, while the rest consists of arid and semi-arid land.

Although Kenya is highly dependent on agriculture and it is considered the biggest sector in the country, Kenya itself has been food insecure for a long term with varying severity. The productivity of the agricultural sector has stagnated over the years, but the population keeps rising: the available food is not enough to feed everyone. In 2018, Kenya ranked position 78 out of 119 countries evaluated on several criteria regarding food insecurity, and that position does not bode well for the food security status in Kenya (Chepkwony, 2018). There have been major instances of severe food security crises in Kenya since independence in 1963:

1984-1985 food shortage

Kenyan farmers largely depend on seasonal rains when it comes to farming, and the rain shortage in 1984 was the worst shortage experienced in more than 100 years. The productivity that came with the expected heavy rains between March and May was so low that a famine crisis was looming if no interventionary action was taken. Maize production, Kenya’s staple food, was down by half from previous seasons, with wheat and potato production was down by over 70%, and pastoralists lost more than half their livestock. Though the government handled the crisis remarkably, the effect was still felt, though not to the degree it could have been. (Glantz, 1987)

The government of Kenya at the time responded swiftly and efficiently by setting up an inter-ministry committee to coordinate a response to the drought, with the ministries of planning and finance taking center stage. The committee moved swiftly to assess the situation, formulate a policy response, negotiate with donors for assistance, import food and set up a programme for distribution of the food to all parts of the country, especially those in dire need in northern
Kenya. The handling and response to the food crisis in 1984-85 was applauded by the international community, since Kenya disputed the belief that an established response needs to exist in order to respond to such crises. It proved that in most cases, a need for a new plan developed in response to that specific crisis was much more effective as opposed to a concrete existing plan. (Cohen & Lewis, 1987)

Kenya has faced multiple periods of famine and food shortage since, such as the drought of 1984-1985, with some being declared national emergencies due to their dire effects on the population. The most recent crisis was in 2017 when in February, the government declared it a national emergency because the number of food insecure Kenyans almost doubled to 2.7 million from the previously recorded 1.3 million, most of them women and children. The shortage, whose effects are still being felt, was caused by consistent record of low rainfall, and since Kenya’s agriculture is heavily dependent on rain, production was low and access to water even worse. (Reliefweb, 2014)

2.8: Rule of Law and Food Security: Lessons from India

India has a population of 1.3 billion people and has had a long history of food insecurity, and is considered to have one of the highest levels of malnutrition and hunger in the world. At least 200 million people in India are considered to be food insecure, all facing different forms of insecurity ranging from anemia, low body mass index, hunger, malnourishment, poor nutrition and a lack of access to food. Approximately 47 million of these food insecure people are children suffering from chronic undernutrition and stunted growth, believed to be caused by undernourished girls and women who give birth to stunted infants. India alone carries a quarter of the world’s food insecurity burden (UN, 2019).
A prolonged drought in 2001 in the region of Rajasthan led to loss of livelihood and chronic hunger, which in turn led to protests by the citizens petitioning the government to provide drought relief and emergency food. These protests paved the way for litigation to begin when a petition was filed by the People’s Union for Civil Liberties (PUCL) with the Supreme Court in argument that the government had to take responsibility for alleviating hunger and ensuring availability of food especially during crises. Despite skepticism that the petition would not go through, the Supreme Court accepted the filing of the petition and went further to expand its reach across all other regions of the country. (Guha-Khasnobis & Vivek, 2007)

The findings by the court indicated that food was available and stocked in surplus, yet was not being supplied to the poor and those dying of hunger. As such, the court ordered state governments to create and enforce food security schemes and a Public Distribution System meant for the poor, as well as introduce meals in all government-sponsored schools. The Court has since then ordered more of these schemes in an effort to push the government and unions into action regarding food security and preventing hunger-related deaths. (Sinha, 2014)

India did not have the right to food enshrined explicitly in the constitution, but was alluded to be a part of ‘the right to liberty and life’ in Article 21 of their constitution. Following the ruling and findings of the 2001 petition, the Supreme Court explicitly recognized the right to food under Article 21, and widened the reach from not only having the right to life, but a freedom from starvation and include accessibility to food, and for women, children and the elderly, the freedom from malnutrition. (ibid)

The 2013 National Food Security Act is ambitious and comprehensive, and was a step in the right direction for India in the fight to combat hunger and food security for its population. Its provisions allow for at least two thirds of the population, who make up the poor and food
insecure population, would have access to adequate food at relatively affordable pricing. The Act also entitles 70% of the population with legal rights to receive subsidized grain – rice, wheat and cereal – monthly, as well as a monthly food security allowance provided by the government for every household, if for any reason, the subsidized grain could not be supplied to them. The passing of this Bill into an Act by the Indian parliament showed immense political will to reduce the suffering brought on by hunger and food insecurity for the citizens; the government takes responsibility to be proactive to protect and fulfill the right to food for the people. (Sinha, 2014)

The movement that culminated to the formulation and implementation of India’s National Food Security Act arose from citizens who felt that the government was not bearing its weight in the fight against hunger. The campaign was diverse and branched out from access to food to include creation and guarantee for employment, land rights and child nutrition. While India produces agricultural products, especially grain, in surplus, enough to export, its own people are dying of hunger due to effects of drought and unemployment, with little to no help from the government. As such, this led to the government being held accountable by the citizens through the Supreme Court to provide food relief during crises and ensure that people can access food by subsidizing prices and providing allowances for other circumstances that would limit access. (Krishnan & Subramaniam, 2014)

The involvement of the Supreme Court, India took the right to food as fundamental as the right to life, along with other social and economic rights. It also created a legal recourse especially for citizens to hold the government and state institutions accountable and responsible – this was demonstrated when the Supreme Court expanded the petition to include all regions of the country. Through the rulings and orders of the Court, there was a legal conversion of what would be termed welfare benefits to legal entitlements for everyone. In essence, when the Supreme
Court considered food a legal entitlement, it basically facilitated an avenue for the people to hold the government and state institutions accountable to its obligatory duties to provide food. (ibid)

2.9: Achievements in Food Security in Kenya

Assessments and reports on the food security situation in the world paint an increasingly bleak situation with little to offer in terms of solutions. The assessments focused on Africa are even worse still, since the continent is home to a large percentage of the world’s poor population, riddled with armed conflict and civil wars that create unfavorable conditions for achieving food security. Though the situation is dire, some countries have been singled out as success stories in various aspects of food security such as access, utilization and nutritional health; Kenya is among these success stories in sub-Saharan Africa, for the following reasons:

Reduced infant mortality: malnutrition among infants and young children has been a leading cause of child deaths in Kenya, especially in rural areas and urban settlements, and this has been due to poor access to nutritious foods and healthcare. The United Nations acknowledged the positive impact of the Beyond Zero campaign in contributing towards reduced child mortality and improving healthcare for mothers and infants. Beyond Zero provides free maternal services to expectant mothers and newborns, and ensures proper medical and nutritional care and awareness to ensure healthy babies and mothers. (Kelley, 2019)

Institutional interventions: institutions in Kenya are one of the key strategic instruments in the achievement of food security, inclusive of local, national, international and non-governmental organizations involved directly and indirectly in agriculture and food security. As such, these institutions have continued to create an environment that encourages food production, access, utilization and systems. FAO, for instance, has provided extension services to farmers to educate them on improved farming techniques, advocated for institutional reforms to ensure better
conditions and pricing for farmers’ produce, provided technical assistance to farmers in the form of farm equipment and inputs. (FAO, 2019) KALRO has also contributed to ensuring food security by developing seeds that are drought resistant and adaptive to climate change, and subsidized farm inputs such as fertilizers and seeds by the ministry of agriculture has improved the conditions for farmers and is expected to increase yields in the near future.

The World Food Programme helps to build resilience in communities that are food insecure by offering conditional assistance either by cash or food to fulfill immediate needs while building capacity for a more sustainable solution. In times of crisis, the WFP provides short – term emergency assistance for people that are in dire need of food, as well as providing food and cash transfer for refugees while helping them establish options for self – reliance. (World Food Programme, 2019)

*Reduced inequalities:* food insecurity in Kenya has been prominent owing in large part to inequalities, both geographical and structural in nature. Geographically, some parts of the country have better agricultural potential compared to other parts that are dry and the population is poor. Structural inequalities however include such issues as gender disparity especially in ownership of land and assets, low women representation in positions of leadership, unequal distribution of income and government corruption. While equality may be an elusive concept, certain mitigation policies have led to improved production such as the legal right for women to own land, enrolling girls in schools, protecting women and their children, dealing with corrupt officials and ensuring transparency.
Summary

There are numerous literatures on food insecurity and hunger, especially with respect to developing countries in Africa, Asia and parts of South America. The authors of these works acknowledge that while hunger and food insecurity is caused by environmental problems, low productivity and increased populations, there is a socio-economic element to it. This arises from systemic social and economic discrimination, illiteracy, and lack of access to resources of production. There is however little consensus on how the rule of law applies to the field of food insecurity and hunger, and how this approach may be a major factor towards achieving food security.
3.0: CHAPTER THREE: RESEARCH METHODOLOGY

3.1: Introduction

In this section, methods of data collection are outlined, as well as how the collected data was analyzed. It will include data collection methods, procedures, design, population, data analysis and any ethical considerations.

3.2: Research Design

This research applied a qualitative research design, because the research was carried out in form of a case study. A case study is considered an in-depth study of a particular situation rather than a sweeping statistical survey. It is a method that is used to narrow down a very broad field of research into one topic that is easily researchable (Claire, 2002: Hannsen, 2003). This research involved a comprehensive analysis of published content regarding the progress of Kenya’s achievement of the second SDG and the state of food security in Kenya. The study was descriptive in nature, with information drawn from reports and other secondary materials as well as interviews analyzed in a narrative manner.

3.3: Target Population

This study was comprised of select national government officials in the Ministry of Agriculture whose roles fall under food security, and officials working in select intergovernmental organizations – Food and Agriculture Organization and the World Food Programme offices in Kenya. A total of four participants were interviewed for the study.

3.4: Sampling Design and Size

This study utilized both purposive and random sampling techniques. Purposive sampling was used to determine the relevant government agencies and institutions whose mandate is directly concerned with the food security in Kenya. Random sampling was used to identify actual four
participants of the study from Food and Agriculture Organization, World Food Programme and the Ministry of Agriculture.

3.5: Data Collection

3.5.1: Data Sources

This study utilized both primary and secondary sources of data. The primary data was collected from interviews of key participants in government agencies regarding food security. The secondary data, which was the major source of information for the study, was drawn from policy documents, published reports by international organizations – the UN, World Bank, World Food Programme, Food and Agriculture Organization and other published works regarding food security and hunger in Kenya by national and county governments.

3.5.2: Instruments of Data Collection

The researcher carried out in-person interviews with the identified officials within the ministry of agriculture, Food and Agriculture Organization and World Food Programme, who were able to provide relevant information towards the topic of study: food security and hunger in Kenya. These interviews were conducted with the aid of an interview guide and the participants willingly consented to provide information relevant to the study.

3.6: Data Analysis

Content analysis was applied in analyzing secondary data regarding food security in Kenya, especially since the study was an in-depth policy analysis of the food security situation and policies. The interviews with government officials were transcribed and then analyzed in descriptive and narrative text and incorporated into the content from secondary sources.
3.7: Ethical Considerations

The researcher obtained the relevant permissive documents both from the school – approval from USIU – Africa graduate school, and other relevant authorities to conduct this study – research permit from National Commission for Science, Technology and Innovation (NACOSTI). The research was carried out with integrity and objectivity to ensure accuracy. Since the study involved human participants, confidentiality was also assured to the respondents as well as informed consent for their participation in this study. The study has steadfastly upheld privacy and assured confidence and the safety of the data collected to the participants.
CHAPTER FOUR: FINDINGS AND DISCUSSION

4.1: INTRODUCTION

This chapter discusses the results found in the study for the food security situation in Kenya and the role of the rule of law in achieving it. The study explored the policies, institutions and legislations existing in Kenya regarding food security, and also addressed the challenges, threats and opportunities in food security in the Kenyan context. The research was heavily reliant on secondary data sourced from policy documents, international and national organizations’ publications and reports on food security, journals and articles, newspaper reports and other reading material.

There was a presence of primary data, acquired through semi-structured interviews (interview guide can be found in the Appendices) to get an opinion from food security experts on the topic of study, and the results have been presented in a narrative and descriptive manner. The respondents were interviewed by the researcher, having been sourced from both governmental and international intergovernmental institutions. They were specifically chosen due to their understanding of food and nutrition security policies in Kenya and the threats that face Kenya’s food security.

4.2: THREATS TO FOOD SECURITY IN KENYA

Food insecurity is a very present problem, one that Kenya and a lot of other countries in the world have battled with for a long time, and are probably going to be dealing with in coming years. For Kenya, with a third of its population believed to be food insecure, food insecurity is a rather serious issue that requires deliberate and effective effort to combat. These people, most living in Kenya’s rural areas, face major challenges in accessing enough quantities of nutritious
foods – they tend to depend on subsistence agriculture for daily income. Poverty, population growth, climate change, poor information systems, graft are among many factors that have caused this state of food insecurity. (World Food Programme, 2019)

4.2.1: Poverty

Poverty is the root cause and consequence of food and nutrition insecurity, and the remedy to this is economic development. An underdeveloped country has weak purchasing power which means that to feed the poor the prices for food and farming inputs would have to be subsidized, which is an unsustainable situation. The general consensus by the respondents for this research was that poverty is the main threat to food security, and seems to tie in to other challenges that hinder the eradication of food insecurity. These challenges include the increase in population, inaccessibility of farm inputs such as fertilizers due to their high prices, low household incomes due to low productivity, which also translates to poor household consumption patterns and nutrition that can lead to malnutrition and diseases. Poverty involves lacking access to food, proper healthcare, education and training, shelter and clothing, all of which lead to chronic hunger.

Kenya is a middle income economy, but a third of its’s population is food insecure, and at least 80% of these people live in the rural areas and live below the international poverty line, as per statistics by international organizations such as the World Bank and Food and Agriculture Organization. This population is heavily dependent on subsistence farming, and either lack or have limited access to the utilities and resources needed to increase their yields. They therefore have little to no savings that would cushion them during economic shocks and other external factors affecting their access to food. Even with access to enough food, those living in rural areas
and in poverty may consume food lacking in proper nutrition which leads to deficiencies, malnutrition and diseases (Kiome, August 2009).

Over 12 million Kenyans are believed to be living in abject poverty and are also food insecure, with at least 4 million of this population requiring emergency food aid and assistance at any given time. At least 2 million of these food insecure population are children, both infants and growing adolescents, who are chronically undernourished and underfed. This can be attributed to inadequate feeding and nourishment knowledge among parents, poor distribution of food, especially that of high nutritional quality and long term inadequacy in dietary intake. (GoK, 2008).

4.2.2: Vulnerability to Climate Change

Agriculture in Kenya is largely rain-fed, and recent patterns of weather have been unpredictable with sporadic rainfall, longer periods of droughts and increased vulnerability to famine. These weather patterns are as a result of climate change, and lead to a significant drop in productivity of the agricultural sector, both for consumption and export for national income. Seasons have become a lot less predictable, with erratic rainfall that is poorly distributed and leads to erosion of fertile soil. There is less water for pastoralists’ livestock and a significant lack of fodder, which leads to the loss of their herds. For subsistence farmers living in rural areas who have insufficient knowledge and resources to counter the effects of climate change, lack of rain and drawn out droughts exacerbates their vulnerability to food insecurity. (Maina, 2018).

Farmers especially in rural areas are not well educated in terms of farming practices that conserve and protect the environment, and very likely lack adequate access to farming inputs that can withstand the effects of climate change. The respondent from the ministry of agriculture pointed out that some of these farmers are reluctant to change from traditional farming methods
to methods that can increase productivity. The problem stems from some of the practice such as zero grazing, farming the same land over and over, depending on unpredictable rainfall, using traditional seeds that do not produce much yield or stand changing patterns brought by climate change. These practices erode the soil, reduce the fertility of soil, lead to low productivity and more harm to the environment that good.

4.2.3: Increase in Population

The alarming rise in population is a key contributor to food insecurity in developing countries, according to respondents from Food and Agriculture Organization and World Food Programme. They attribute this rapid population growth to low access to sexual and reproductive health especially for people living in rural areas, as well as its limited integration into national and county strategies. The strides made by other organizations such as Beyond Zero to enhance access to these services cannot be ignored, but there remains a lot to be done, especially in terms of family planning. The influx of refugees into the country has put further strain on the already scarce resources available as well the internally displaced persons from the 2007-2008 post – election violence. These groups of people are in constant need of food aid since they do not have the capacity to rely on themselves to earn income and purchase food for their families.

Kenya has seen a significant population increase in recent decades, from 11 million people in 1970 to 39.5 million people in 2011 and this number is expected to double by 2040 (Food and Agriculture Organization, 2019). The increase in the number of people puts pressure on the limited parcels of land available for agricultural production, and the stagnated productivity due to climate change and other factors is hardly enough to feed everyone.

The increased population also puts a large strain on the demand for food, water, land and other natural resources that are required in food security and general prosperity. With this reality, there
is increased danger of civil conflicts over the scarce resources, which are already manifesting in parts of Kenya as pointed out by the respondents – in the arid and semi-arid lands of northern Kenya where pastoralist communities have been involved in tribal wars and raids in efforts to control the water resources. This has caused a state of insecurity and uncertainty in these areas which lowers productivity even further leading to food shortage compared to the number of people that need to be fed (WorldBank, 2008).

4.2.4: Inadequate national food reserves

Managed in Kenya by the National Cereals and Produce Board, the reserve systems are often unreliable especially in times of crisis, owing to insufficiency of funds to purchase food. While high potential areas like the Kenyan capital may have food in abundance, high risk areas like northern Kenya face a deficit when it comes to food distribution (Agriculture, Towards Zero Hunger Strategic Review, May 2018).

Mismanagement within this agency has also affected food security in Kenya especially in terms of healthy food; for instance, in response to a biting shortage of food in 2018, the NCPB imported hundreds of thousands of bags of maize, and a significant portion of it was declared unfit for human use due to a heavy presence of toxic chemicals and the rest had been destroyed by weevils. These allegations against the government agency were also accompanied by issues of graft and corruption where cartels took advantage of the crisis to import substandard maize into the country duty free (Owino & Oruko, 2018), which suggests a gross mismanagement within the NCPB that deeply affects the confidence of farmers in the agency and thus negatively affects the food security situation.
**4.2.5: Inadequate food safety measures**

Kenya has seen a rise in toxic foods in the recent past, which have negatively affected the population and led to loss of life. These incidences include the rise in cholera cases, presence of aflatoxin in maize and flour, and heavy presence of pesticides on vegetables, fruits and other consumable foods which have severe negative side effects on humans (Agriculture, Towards Zero Hunger Strategic Review, May 2018).

Just recently, the government had to recall various brands of peanut butter due to the presence of aflatoxins that are higher than is recommended (Sunday, 2019). Such instances call for better and more efficient measures to ensure that toxins and other hazardous material in food is detected early and monitoring to affirm that the food Kenyans consume is safe and of good quality. The Kenya Bureau of Standards needs to be more vigilant in ensuring that good quality foods enter the market to prevent health complications and further food insecurity.

**4.2.6: Gender Inequality**

‘Empowering women leads to an empowered society’, remarked the ministry of agriculture respondent when responding to the matter of gender inequality and its impact to food security. The respondent further added that it is more difficult for women to gain access to credit services to further their production, especially in rural areas where women are likely unaware of their right to these services. Land inheritance is also a challenge especially in rural areas when it comes to a clash between the law and culture: oftentimes culture wins out, which limits the production potential of women who in most of these households are the primary caretakers.

The respondent from FAO concurred that while gender politics in Kenya have been progressive in recent years, empowering women is still met with issues of exclusion and discrimination.
Most women in rural areas lack adequate technical skills and capacities to increase their productivity, which shows the need for the work organizations like FAO do in training and education. These skills equip women to be equal in the fight against hunger, but the government needs to work on alleviating the obstacles against women in agriculture by striving to achieve gender equity and equality.

Cultural practices relating to land inheritance in many of Kenya’s communities have a significant impact on the food security status of the country. Many cultures are patrilineal in nature, in a way that deprives women the right to inherit, own or control property, in particular land (Kevane, 2014). Women are considered the primary actors in food security for households, being in control of the amount, quality and type of food consumed by members of the household. Denying them the right to own land and control agricultural activities compromises food security because they are unable to make decisions regarding land and agriculture, as well access loans and credit for farm inputs (Agriculture, Towards Zero Hunger Strategic Review, May 2018).

### 4.2.7: Rising Food Prices

Respondents from the ministry of agriculture and FAO pointed this out as another leading threat in food insecurity, citing various instances when food prices furthered hunger especially in rural areas. In 2011, a food crisis in global markets led to the dramatic rise of the price of flour, rendering it unaffordable to the common Kenyan. This prompted what was called *Unga Revolution*, as marginalize Kenyans who felt that the government was not taking swift measures to ease the situation, came forward to highlight their plight – their food rights were not being fulfilled by the government. A respondent, analyst from the Ministry of Agriculture, agreed that these protests were a marker that Kenyans recognized their right to food and the government’s responsibility to act towards improving their situation.
The price of basic food commodities has been on a dramatic rise in Kenya in recent years, and the situation is expected to grow dire, especially for low income households in both urban and rural areas. Food supply in the domestic market is also decreasing, especially in Kenya’s staple food, maize, due to low agricultural output, and this has raised the prices even further. This situation of low output has been caused by delayed rains, increased production costs, and the NCPB setting producer prices for grains and cereals above market price, which is disgruntling to the farmers in Kenya (Kenya, 2019).

Any surges in food prices are a major cause for concern especially for the poor population, who depend on agriculture for livelihood, and most of the household income is spent on food. A sharp rise in these prices could cause further harm on food security, since the poor are likely to be plunged into hunger and malnutrition along with significant portions of the population that have stagnant income. For developing countries, like Kenya, the policy interventions to this problem are limited, and adjusting prices of food to reflect international market prices could cause more harm to the economy such as inflation and a poor hungry population with no access to social safety nets. This situation has caused upheavals and protests towards the high prices of food in developing countries like Uganda, Egypt, Tunisia and parts of Latin America and Asia (Economist, 2019).

In the Kenyan context, the price of food has been increasing since 2006, especially those of staple products like maize, wheat, milk, and have been accompanied by a price volatility of most food commodities. Even when the world prices for these commodities decreased, Kenya’s prices still remained exceptionally high limiting the affordability and access of food to the poorer population and putting a strain on the rest of the population. The report published on food prices in Kenya by KARI indicated that the inability of the world prices to translate into the Kenyan
market can be attributed to inflation, unforeseen shifts in production, economic shocks, weather patterns and changes in trading in Kenya (Emongor, 2011).

4.2.8: Dependence on Imports

In recent years, the agricultural productivity in Kenya has not been able to match up to the consumption demands of an ever increasing population. In order to fill the gap left by this production deficit, Kenya has had to increase its agricultural imports, especially in cereals such as maize to meet the demand. Until production can pick up again and match the demand, Kenya will need to keep importing food from other countries.

The dependence on imports can have detrimental effects on the economy of Kenya; it leaves the local economy vulnerable to changes in the world market and plunges the country into more debt, thus worsening food insecurity rather than alleviating it. The imported food is often sold at subsidized prices to ensure everyone can afford it, and if the price were to go higher the poor would go hungry. (Welborn, 2019)

4.2.9: Corruption

The agricultural sector in Kenya has been rocked by several corruption scandals in recent years, ranging from the sale of subsidized fertilizer at market value and therefore preventing farmers from using it, to substandard sugar with harmful substances hitting the Kenyan market, to the multibillion shilling maize scandal in the National Cereals and Produce Board. This issue has been a major point of frustration for Kenyans, with millions of shillings and food resources squandered rather than being directed to those that need them to ease their suffering and restore human dignity. The government is obligated and responsible to its citizens to protect and fulfill
their rights, including their right to food, and anything that hinders this process is a direct violation of said rights.

According to FAO reports, the policy making process in Kenya is highly political and patrimonial: policies made regarding agriculture and food security conform to interests of the political elite who have a lot to gain while creating a great disadvantage for Kenyans. These policies are also made based on a patronage surrounding the office of the president and other high ranking officials from all administrations since independence, and have created a system of patron-client framework that benefits the elite while the rest of the population suffers. (Christoffersen, et al., 2008)

In the agricultural sector policy in Kenya, there is great evidence of patronage especially regarding the sugar, maize, fertilizer and price scandals that surround several government agencies. It also coincides with ethnic interests in production and trade especially in tea, coffee, sugar, horticulture and pastoralism, where the political elite work in alliance with the economic elite to formulate policies favorable to them rather than the whole population (Alila & Atieno, 2006).

The respondent from FAO Kenya referenced lessons that Kenya could draw from Brazil in the steps it has taken towards the achievement of zero hunger. The government of Brazil showed great political will and commitment towards eradicating food and nutrition insecurity and worked together with development agencies and the civil society to achieve this goal. A commission was formed in 2005 to assess the existing food policies, regulations and laws in order to advise accordingly.

By ensuring that new and improved policies were rights-based, and clearly defined rights of the citizens and responsibilities of the government, set goals, ensured public participation,
government accountability, capacity building and strategic information dissemination, Brazil became one of the most improved countries regarding food security. (Mbithi, 2014) the respondent noted that Kenya has not failed due to any unavailability of good food and nutrition security policies, but rather the limited implementation and a significant lack of political will, though the decentralized system may change this in the near future.

4.3: EXISTING POLICIES ON FOOD SECURITY IN KENYA

The ability to achieve food and nutritional security is a key goal for every government, to ensure that its citizenry is well fed, free from hunger and malnutrition, and is able to benefit from the agricultural sector. For Kenya, that goal is very important because the economy and the people rely heavily on agriculture as a source of food and income. With the increasing population, decreased productivity, climate change, high prices of food and farm inputs and so many more challenges, achieving food security is seemingly elusive for Kenya, hence the major focus on food security.

In addition to the Sustainable Development Goals, the Kenyan government also has a long term plan to achieve prosperity for all aspects of life for its people through the Vision 2030. This is aimed to realize the aims and the vision of the 2010 Constitution which outlines the right to food for every Kenyan and the right to basic nutrition for children. While undernutrition is one of the pressing issues in food security for Kenya, there has been an increasing occurrence of obesity, non-communicable diseases such as cancer, cardiovascular conditions and diabetes, caused by lifestyle changes especially in diets (Mugambi G. , 2019).

4.3.1: Constitution of Kenya

Kenya is a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which is a legally binding international law instrument and guarantees the right to
food for every person. It is also a signatory to the International Convention on the Rights of the Child (ICRC) which stipulates the rights of the child to access healthy and nutritious food. (OHCHR, 2019). The Kenyan constitution promulgated in 2010 also explicitly outlines the right to food for every Kenyan and basic nutrition for kids which advocates for every child’s right to access healthy food and basic nutrition (Constitution of Kenya, 2010). All policies and legislations made in Kenya regarding food and nutrition security are aimed at realizing the goals of these legal guarantees.

4.3.2: National Plan of Action on Nutrition in 1994

In response to the droughts in 1985 and the 1991-1994 food shortages, the government of Kenya came up with a plan of action to ensure fair distribution of nutritious and quality food to all citizens of Kenya. The Plan also promoted a market-driven approach to food security, although the scope was limited: government interventions such as setting of prices for grain and fertilizer subsidies had a little impact on the status of food security at the time.

However, the Plan’s nutritional segment had more success compared to the others; it encouraged government partnership with the private sector to achieve nutritional security, advocated for the education sector to be involved in the initiatives towards nutrition and health, quick response in malnutrition crises of acute nature and effective dissemination of information from national to sub-county levels. The mechanism did not have as much success as expected since it lacked a proper implementation and coordination, and the commitment to funding the activities required was lacking (ASCU, 2011).

4.3.3: Vision 2030

Vision 2030 was unveiled in 2008 by the then President Mwai Kibaki, as Kenya’s new development blueprint with the aim of transforming the country into “newly industrializing,
middle income country providing high quality life for all its citizens by the year 2030 in a clean and secure environment”. To ensure its success, Vision 2030 is anchored in such foundations as good governance, macroeconomic stability, creating wealth for the poor, science, innovation and technology, land and public sector reforms, security, energy, infrastructure and enhanced equity.

It was created in accordance to the Millennium Development Agenda in order to alleviate poverty, disease, human rights, and promote economic development and prosperity of the Kenyan people. (Vision 2030, 2019)

The Vision was developed through thorough consultative processes throughout the country involving stakeholders, the citizens of Kenya and development partners, as well as drawing lessons from the Economic Recovery Strategy which had pulled Kenya from slow growth rate of approximately 0.6% and raising it to 7% between 2002 and 2008. Vision 2030 is implemented through five-year medium term plans, with the first two having concluded in 2012 and 2018 respectively. At the end of each term, the government assesses the progress made, goals achieved, what needs to be done to achieve the next phase and how it will be implemented. The Vision is divided into three pillars: economic pillar, social pillar and political pillar. (Vision 2030, 2019)

_Economic Pillar:_ this pillar identifies six key sectors in Kenya that are very vital to boosting the economy and deliver a 10% growth rate per annum, as is the goal of Vision 2030. These sectors are tourism, wholesale and retail trade, agriculture, financial services, manufacturing and business process outsourcing. In agriculture, the Vision hopes to transform Kenya’s agricultural sector into one that is modern, innovative and commercially oriented. This will be achieved through such mechanisms as:
i. Promoting agricultural growth by reforming vital institutions in agricultural and livestock sectors,

ii. Introducing policies that promote better utilization of land,

iii. Developing more irrigation schemes in arid and semi-arid areas to boost livestock and agricultural production,

iv. Boosting crop and livestock productivity, and

v. Increasing access to market for small scale farmers. (Vision, 2007)

Social Pillar: this pillar’s main goal is to invest in the Kenyan people: this involves facilitating and fostering a just and unified society where there is equitable development and a good environment that is clean and secure. It will be achieved through focus on eight key sectors – health, the environment, gender, youth, culture and sports, training and education, water and sanitation, housing and urbanization, and special provisions for marginalized communities and people with disability. Food security is addressed in this pillar in several ways:

i. Encouraging institutions of higher learning to focus the curriculum on science and innovation,

ii. Promoting partnerships between the government and the private sector,

iii. Improving the quality of health services and information systems, especially with regards to nutrition,

iv. Improving the management of water resources in terms of utilization, storage and sanitation facilities in both urban and rural areas,

v. Promoting conservation of the environment in support of the economic pillars,

vi. Ensuring proper management of waste and reducing pollution by providing economic incentives,
vii. Enhancing emergency disaster preparedness and the capacity to adapt to effects of climate change,

viii. Improving access to opportunities for women (gender equality) and people with disability to participate in economic, political and social processes, including agriculture. (Vision, 2007)

**Political Pillar:** This pillar aims to transform the political governance of Kenya to ensure that the country moves into the future as one. This will be achieved through six specific areas of focus; rule of law, transparency and accountability, peacebuilding and conflict management, electoral and political processes, democracy and public service delivery, and security. The vision aims to promote “adherence to the rule of law as applicable to a modern, market-based economy in a human rights-respecting state. Food security is also addressed in this pillar in the following ways:

i. Ensuring that legal and national policy frameworks are aligned with the needs of human rights, gender equity and market-based economy commitments,

ii. Improving access to quality services to the public and reducing barriers that prevent access to justice,

iii. Ensuring a functional capability of both judicial and legal institutions,

iv. Strengthening legal frameworks to increase integrity, ethics and reduce corruption in the public sector,

v. Promoting better public resource management that is based on results,

vi. Improving and encouraging access to data and information,

vii. Instigating legal and constitutional reforms as required to ensure proper resource management and allocation, as well as hold officials accountable. (Vision, 2007)
4.3.4: Kenya National Food and Nutrition Security Policy 2011

This is one of the most comprehensive food security policies in Kenya currently, taking a multidimensional approach to tackling the issues of hunger, malnutrition and securing a food secure nation for Kenyans. It is also the first attempt to integrate nutrition into food security policy. It was drafted by the Ministry of Agriculture to tackle existing and emerging threats to food security in Kenya brought on by droughts and famine, climate change, poor infrastructure and access to markets for Kenyan farmers. Stakeholders and development partners were also involved to ensure that food security is incorporated into development agenda and projects and made a priority in high offices (Mugambi G. , 2019).

The aims of the Food and Nutrition Security Policy are:

i. To achieve good nutrition for the optimum health of all Kenyans,

ii. To increase the quantity and quality of food available, accessible and affordable to all Kenyans at all times, and

iii. To protect vulnerable populations using innovative and cost-effective safety nets linked to long-term development. (ASCU, 2011)

This policy aims to address the chronic, poverty-related malnutrition and food insecurity, while also assessing the repetitive occurrence of acute food insecurity and malnutrition and the causes of both. As such, issues of food availability and access, its safety, standards and quality control, nutrition improvement, information regarding food security, school nutrition and nutrition awareness, early warning and emergency response, institutional and legal frameworks, strategic policy implementation, monitoring and evaluation are of utmost importance, and inform the goals and aims of this policy.
Food availability and access – the objective of this policy is to ensure that there is adequate food for every Kenyan that is of good quality and is accessible in order to provide diverse and healthy diet. This is to be achieved by striving to a sustainable production that produces diversified and affordable food that meets basic nutritional requirements. In addition, proper storage after harvest will reduce losses and build up an availability of food over time for emergencies and crises. There is a keen need to consider cultural and social factors that may affect food security, especially availability.

Food safety, standards and quality control – the policy objective here is to ensure that food is safe and of high quality by ensuring that the public is aware of any relevant issues, setting, promoting and enforcing measures, standards and guidelines as well as a regulatory framework. This involves ensuring that there are agencies that perform quality checks to ensure the quality of food in the market, creating public awareness for preventative measures to ensure food safety. This is especially crucial in urban areas where sanitation may be a serious issue to ensure proper handling, storage and preparation of food and prevent diseases. The private sector is very crucial in furthering these efforts to ensure food safety and quality control, especially through funding – financially and through technology and infrastructure.

Nutrition improvement – this policy objective intends to ensure that the food available is accessible and of good nutritional quality to ensure optimum health for all Kenyans. It also involves special nutritional interventions for vulnerable groups and ensuring that there is awareness on the nutritional benefits in households for all members of the family, especially the children.

The approach on this policy takes into consideration the life cycle and the particular biological and nutritional needs of each stage: during pregnancy for both mother and infant, newborn child
at its formative stages and early-late childhood period, adolescence, adulthood and for older persons. The strategies for this policy objective involve ensuring that there is enough information on the nutritional requirements for each stage as well as food, and also vitamin and mineral supplements for each stage.

**Food security and nutrition information** – this will involve facilitating, promoting and providing quality and timely information and data analysis regarding food and nutrition security to ensure swift and effective action. A holistic and cross-sectoral data and information availability is crucial to ensure the success of this objective, such as the Kenya Bureau of Standards.

**School nutrition and nutrition awareness** – this is aimed at ensuring that all Kenyans are well informed about the basic nutritional requirements for living a healthy life, and also states clear roles for the media, state institutions and other stakeholders. This is to be achieved by promoting nutritional education in classrooms and school feeding programmes, capacity building for the service providers in every sector, and promoting nutrition education for adults and creating awareness on the subject to the general public.

**Early warning and emergency management** – this policy is meant to protect vulnerable groups during food security crises and emergencies and capacity building for emergency management using safety nets. The existing early warning systems need to be expanded to include data analysis to formulate effective responses to crises and mitigate future emergencies on food insecurity. Such efforts include promoting cash transfers, input support and public works programmes.

**Institutional and legal framework and financing** – this objective aims to ensure that there are adequate institutional mechanisms for the achievement of the Food and Nutritional Security Policy, both at the national and the county level. The existing institutions are broadened and
strengthened to support the policy’s programmes, coordination of said programmes and monitoring their progress and achievement. In addition, the government should mobilize financial resources to see to the implementation of the policy through budgetary support and staffing.

**Strategic policy implementation, monitoring and evaluation** – there is a need for a realistic, strong and sound strategic plan to implement the programmes and action plans of the Food and Nutrition Security Policy. These plans need to be actively linked and coordinated across sectors and partners i.e. government and the private sector at both national and county levels.

The implementation strategies also need to be dynamic, acknowledging the changes that occur over time in terms of food and nutrition requirements, new knowledge and conditions. This will help in crafting effective and successful responses to changing situations, and long term alleviation of food and nutrition insecurity.

### 4.3.5: Food Security Bill 2014 and 2017

The Kenyan constitution guarantees every citizen a right to food, and under Article 21, the constitution postulates that:

> “all state organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalized communities, and members of particular ethnic, religious or cultural communities”. Chapter IV: article 21(4.3) (Constitution of Kenya, 2010)

These two articles highlight the very importance of having a well developed and implemented legal framework when it comes to food security. The Food Security Bill aims to essentially ratify
the right to food and freedom from hunger and accessing food of acceptable quality as a human right, promote production of food, while also providing for regulating institutions and bodies to be established.

This Bill borrows from experiences in other countries, such as India where lobbying for food security rights brought significant change in the food security status of its people, when the National Food Security Act came into effect in 2013 to provide adequate food quantities at affordable pricing, as well as holding the government and its institutions accountable.

The Food Security Bill is comprehensive, in that it provides for legislative frameworks to respond to food crises, monitoring of food security status in the region, and being proactive in finding solutions to the chronic hunger and malnutrition that plagues over nine million Kenyans affected by food insecurity. The bill provides the groundwork for a legislative framework that is meant to address food insecurity, and is applicable at national and county government levels, who can adopt interventionist measures and policies that contribute towards making food available, nutritious and affordable. The policies and interventions are multi-sectoral, covering health, trade, the environment and agriculture. (Owuor, 2019).

The Food Security Act also provides for the establishment of an overall national body whose purpose will be to formulating policy and strategizing programmes for food security – the Food Security Authority. A Food Security Committee would also be formed at the county level and it is meant to implement the strategies and policies formulated at the national level by the Food Security Authority, keep an eye on the food security situation on the ground and apply interventions as needed (Owuor, 2019). The individuals in these committees would need to be of integrity to avoid misappropriation and embezzlement of public funds meant to improve the lives of Kenyans.
Among the miscellaneous section of the Food Security Bill 2017, there are provisions for individuals that infringe on the right to food for any Kenyan, their prosecution and consequences. These infringements include affecting the quality of food to be consumed in any way during production, transport or storage; diverting food and funds for food directed towards subsidy programmes to anywhere other than the intended beneficiaries; procurement of food and inputs in a way that is contradictory to existing legal provisions; discriminating based on any criteria when distributing food, whether by gender, ethnic group or other criteria; and acquiring food and inputs through fraudulent means. The consequences for these acts include fines and jail sentences depending on the specific offence. In addition to this, the Bill also addresses the food and nutritional needs of pregnant and lactating women, and the need to not discriminate in executing the right to food. (Parliament, 2017).

4.3.6: Big Four Agenda

The Big Four Agenda is a four-point plan of action launched by President Uhuru Kenyatta as part of his administration’s goals for his second term. It is a five-year plan for development that focuses on four particular issues that the administration believe are the biggest priorities: manufacturing, improved housing, universal healthcare and food security. These issues were highlighted by the President who called on all Kenyans to unite and work together towards achieving them as they are in line with the Vision 2030, Sustainable Development Agenda and the general welfare of all Kenyans (Mugambi H., 2019).

Manufacturing: The Big Four Agenda hopes to increase the contribution of the manufacturing sector up to 15% from the current 8.5%, create employment of up to 100,000 new jobs through
manufacturing, and to increase flows of Foreign Direct Investment into the country through this sector.

**Affordable housing:** the objective is to reduce the cost of owning a home in Kenya by half, bridge the gap in low income housing, create more jobs through construction while reducing the construction costs by approximately 30%, and deliver over half a million homes that are affordable in all 47 counties.

**Universal healthcare:** the objective of this pillar is to ensure complete universal healthcare coverage for every Kenyan by fully subsidizing essential services in health.

**Food security:** with agriculture as the backbone of the economy, and over a third of the total population in Kenya living in food insecurity, this pillar is of great importance. The objective is to reduce the number of hungry Kenyans by half, reducing the rates of malnutrition in infants and children, increasing daily incomes for smallholder farmers, creating more jobs in the sector directly or indirectly, reducing the cost of food for households, and to increase the contribution of agriculture to the national income by 48% (GOK, The Big Four: Empowering the Nation, 2019).

Kenya has prioritized large scale production over smallholder farmers, believing that to be the answer to food insecurity, at least the availability of food. This has sidelined the small scale farmers who find it difficult to access credit required to purchase farm inputs such as fertilizers and seeds, and effectively reduces productivity. The Big Four Agenda aims to remedy this by promoting agricultural productivity for smallholder to produce food for consumption as well as sale, and consequently reducing poverty and ensuring availability (Mugambi H., 2019).
The Big Four Agenda is a national plan that is also localized within counties, and therefore takes a top-down approach. However, efforts towards the achievement of the Agenda have been hindered in part due to a seeming disconnect between national and county governments regarding allocation of resources, budgetary needs and implementation of the programmes it outlines. Therefore, there is need for proper legislation that explores public-private partnerships that fill the capital gap needed to achieve the objectives of these pillars and coordinated implementation between national government and the county governments (Mugambi H., 2019).

4.4: INSTITUTIONS OF FOOD SECURITY IN KENYA

Institutional arrangements are social rules embedded in society in a bid to structure relations and social interactions, and they are meant to: determine kinship, provide a legitimate source of power in a society, regulate distribution of goods and services, facilitate intergenerational transfer of knowledge. Economic (distribution of goods and services) and government (legitimate source of power) institutions are the most influential when it comes to the food security status of a country. The government has a higher level of influencing positive changes in food security if it is rightfully elected and accountable to citizenry, its operations are efficient and the policy processes are transparent. Economic institutions impact food security depending on whether the market plays a key role in production and distribution of food, with the exception of extenuating circumstances such as food shortage crises. (Zhou & Wan, 2017).

4.4.1: Ministry of Agriculture, Livestock, Fisheries and Irrigation

As the official government agency in charge of all matters agriculture, livestock and fisheries, this ministry plays the primary and most important role in Kenya in food security. Its main function is to formulate, implement and monitor policies, legislations and regulations in the Kenyan agricultural sector. The ministry’s mission is “to improve the livelihood of Kenyans and
ensure food security through creation of an enabling environment and sustainable resource management” (Agriculture, Ministry of Agriculture, Livestock, Fisheries and Irrigation , 2019). This is achieved by coming up with policies for the agricultural sector in Kenya that will enhance production, regulations and legislations that work for the improvement of the food security of the Kenyan people.

Additionally, the ministry has other several core functions in contributing to Kenya’s food security:

Facilitating and promoting agricultural research and technology delivery – this is done through supporting the efforts of KALRO, the official agricultural research organization; facilitating access of drought-resistant crops and seeds as well as fertilizers to farmers across the country at subsidized prices.

Facilitation and representation of agricultural state corporations in the government;

Quality control and regulation of inputs, products and produce from the agricultural sector – the ministry ensures that the quality of agricultural products is good and is up to international standards, since some of the produce is exported for national income.

Pest and disease control for the agricultural sector – to ensure that farmers’ crops and livestock are healthy and protected. Outbreaks of disease and pests can be devastating to productivity, farmers and the productivity, thus affecting food security negatively. And;

Collecting and managing information collected from the agricultural sector – proper dissemination of information is vital to agricultural production. The ministry is tasked with ensuring that relevant information regarding market trends, diseases and pests, new research, new farming techniques or anything relevant to farmers and the general public regarding food
security. This information needs to be delivered in a timely manner, efficiently and is verifiable and reliable.

4.4.2: Kenya Agricultural and Livestock Research Organization (KALRO)

Formerly known as the Kenya Agricultural Research Institute (KARI), this institution is mandated by an Act of Parliament (Cap 250 in 1979) to conduct research on, but not limited to, livestock, crops and marketing in the agricultural sector in Kenya. The most fundamental role of the organization is to generate knowledge in all sectors of agriculture through thorough research and use that knowledge to inform and direct government policy. There are networks of factor and national commodity research institutes to generate sector-specific technology and information, as well centers in specific regions to enable applied and adaptive research in these places (Miruka, Okello, Kirigua, & Muriithi, 2012).

KARI became operational in 1986 with the purpose of implementing a National Agricultural Research Programme, which focused on development of infrastructure and human capacity, reforming agricultural institutions and conducting adaptive research. To achieve these objectives, KARI was able to create improved varieties of crops, technologies for the agricultural sector, better breeds of livestock and improved information disbursement systems in response to food security challenges. They were supported financially and in kind by the Government of Kenya as well as other development partners such as the United States Agency for International Development and the World Bank Group (Miruka, Okello, Kirigua, & Muriithi, 2012).

In 2014, KARI ceased to exist after the institute was merged with two other research institutions – Tea Research Foundation, Coffee Research Foundation and Kenya Sugar Research Foundation to form the now operational Kenya Agricultural and Livestock Research Organization. The Agricultural Cabinet Secretary at the time, Felix Koskei, justified the change by postulating that
having all these institutions as disjointed entities was a waste of resources and quite inefficient since most of the efforts and research were duplicated. (Waitathu, 2014)

The formation of KALRO restructured the approach to agricultural, livestock, natural resources and water research into one that is innovative, well-coordinated, dynamic, responsive and driven by the common goal of food security in Kenya. The Kenya Agricultural and Livestock Research Act of 2013 established an institutional and legal framework to coordinate research in agriculture with the aim of promoting and regulating research in crops, genetic resources for both livestock and crops and biotechnology; and, to facilitate ease in access of information and technologies generated during research and the equitable application of findings of research in the agricultural sector (KALRO, 2019).

4.4.3: Food and Agriculture Organization (FAO)

FAO, a specialized agency of the United Nations, operates in 194 member countries in the world and is at the forefront of the global fight against hunger. It encompasses two of the Sustainable Development Goals: Zero Hunger and global partnerships for the achievement of said goals. The goal for the Food and Agriculture Organization is to ensure that all people have access to high quality food that will keep them healthy and productive. The organization has five major mandates in every one of the member states: working towards eliminating hunger, malnutrition and food insecurity, make fisheries, agriculture and forestry more sustainable, poverty reduction in rural areas, enable efficient and inclusive food and agricultural systems, and increase the resilience of livelihoods in response to crises and threats regarding food insecurity.

The FAO office in Kenya was opened in 1977, with a mandate to work with the Kenyan government and build a food secure nation free from malnutrition and hunger, especially where agriculture and food contribute significantly to the people’s standards of life in an economic,
environmental and socially sustainable manner. The programmes from FAO are fully integrated into government efforts both long term and medium term strategies. In Kenya, FAO focuses on several main areas:

Institutional and policy reform – FAO has the mandate to provide recommendations to individual nations regarding food and nutrition security as well as agricultural practices. The organization also recommends international action regarding the same thematic areas since it is in a unique position to assess situations in different regions and come up with sound recommendations. These recommendations may be in terms of science, market strategies, technology, distribution and social issues that can affect food security both nationally and internationally.

Competitiveness and productivity of the agricultural sector – with offices in its member countries, FAO has the unique advantage of conducting country-specific research that can be used to advise governments on how to increase productivity. Its rural programmes equip farmers with knowledge and capacity to produce more and increase their competitive edge in international markets which also increases income.

Sustainable environmental and natural resource management – through capacity building, FAO enables countries especially those that are developing to mitigate the effects of climate change. In addition, FAO is committed to the preservation of the environment through improved farming practices and investment in technology that increases productivity while reducing the damage done to the environment.

Reducing poverty in rural areas – FAO works towards improving the livelihoods of people living in rural areas, who happen to make up a large percentage of the poor. To do so, the organization helps them to diversify income, creating employment opportunities, empowering women in
agriculture and advising countries on formulation and implementation of pro-poor strategies and policies.

Information management and coordination – an important role of FAO is its function as a medium for discussion, extensive research and innovation in terms of food security and agriculture. It brings together experts from different parts of the world and facilitate the exchange of ideas that can improve food security and agricultural productivity. (Food and Agriculture Organization , 2019).

These priority areas for the organization are aimed at achieving the first and second sustainable development goals: ending poverty in all its forms and achieving zero hunger. In partnership with the government of Kenya, FAO has a Country Programme Framework (CPF) that endeavors to create a competitive and commercially-oriented agricultural sector to eliminate hunger and malnutrition in Kenya. The Framework is in alignment with Kenya’s Vision 2030 Medium Term Plan to build a thriving agricultural sector and a rural development plan, both of which conform to national, regional and global food security priorities (FAO, 2019 ).

**Criticism Against FAO**

While FAO is believed to be very critical to global agricultural production and boosting food security in the world, there have been great questions surrounding the functions of the organization. Governments, civil societies, citizens and other entities have criticized the role of FAO in agriculture and food security, and these criticisms include:

The organization has been criticized for its strategies and approaches to addressing production and food security especially in the developing countries. A lot of initiatives by FAO to improve agriculture in a lot of developing countries involve genetically modified foods, biotechnological
advancements and reforms. These programmes have been criticized as means to destabilize bedrocks of agricultural economies by eroding the culture of producing indigenous produce and food. Most of these genetically modified foods have been found to be harmful to the health of human beings in the long run, and makes the food insecurity situations in these places a lot worse.

FAO, just like many other international intergovernmental organizations, has been accused of promoting a one-size-fits-all approach to food security and agricultural production. It was formed by the western powers after the second world war to rebuild agricultural productivity and promote food security in the west in the aftermath, and was then expanded to the rest of the globe as the organization at the forefront of fighting hunger. However, a lot of its programmes depend on technology and innovations that are not fully adaptable to the developing countries, especially the rural areas. In some countries, the training and extension services that FAO gives to farmers regarding new technologies and trends in agriculture is often inadequate and leaves them either dependent on FAO’s help or the farmers reverting to indigenous farming practices that reduce productivity.

FAO has been criticized for being an ineffectual and bloated up bureaucracy that has caused more poverty and hunger rather than alleviate it, and needs proper and immediate reform and restructuring. The organization was created in 1945 under the belief that a freedom from want translated to freedom from the silent violence of hunger, and this perspective is yet to change in the 75 years it has been in existence. At the beginning, FAO believed that the only way to combat hunger in the world was by a collective action by nations: that the ability of a state to purchase food translated to the food security of its people. In addition, this approach was
dependent and emphasized on agricultural technology and research, most of which originates from the global north and is highly ineffective on developing countries.

The second approach is that combating global hunger is a collective moral, ethical and social responsibility through the right to food for everybody. This approach would require restructuring of the organization from a nation-based focus in acquiring food and diverting to promoting an equitable access to food for all, and moving production from large scale to small scale farmers. As such, this means that instead of poor countries importing expensive grain from international markets, they get to produce and distribute from the ground up, locally, regionally and nationally, which will improve access to food for all. (Lang & Barling, 2012)

4.4.4: World Food Programme (WFP)

The World Food Programme was formed as an agency to respond in times of crisis to provide relief food aid to people affected by war, conflict and crisis, within the UN system, but has evolved over time. The WFP has grown to become an agency that not only provides food aid during crises, but also one that addresses and attempts to resolve long-standing issues that contribute to hunger and malnutrition.

It has taken to holistic approaches to world hunger in addition to responding to crises, choosing to ensure that communities meet their nutritional and food security needs as they recover from crises. In line with the 2030 Sustainable Development Agenda, WFP works with governments, international organizations, donors, civil society and other stakeholders to achieve zero hunger and ensure a food secure world in the coming future (WFP, 2019).
4.5: THE ROLE OF INSTITUTIONS IN FOOD SECURITY

Food security is of utmost importance, especially for developing countries such as Kenya where agriculture is the main economic driver. Institutions play major roles that contribute to food security directly and indirectly, both governmental and intergovernmental and non-governmental organizations alike. Such contributions to food security include:

Policy and institutional reform: this is the mandate of the ministry of agriculture, one of the major priority areas of Food and Agriculture Organization in Kenya, and a major objective of many other organizations in the agricultural sector. Institutions formulate and implement policies regarding food security to address the challenges facing it: climate change effects, land, pricing of food and related commodities, good agricultural practices and other challenges. Intergovernmental organizations play advisory roles to governmental institutions on policy by pointing the areas that may need improving, major focus, and more resources. For instance, FAO has the mandate of providing recommendations both nationally and internationally, and is uniquely placed to help countries to reform their policies to conform to international changes, and help individual nations to increase competitiveness in international markets.

Research and extension services: in Kenya, the main actor in research for the agricultural sector and consequently food security is KALRO. The government dedicates resources, funding, personnel and inputs to facilitate major research efforts towards solving the country’s problems in agriculture and food security. International organizations such as FAO and WFP also conduct research in these sectors with the same goal of solving present problems causing food insecurity. These organizations are well funded and have advanced technological capabilities, a global reach and knowhow to conduct thorough research that they can use to find solutions that are effective and specialized to specific regions. In Kenya, FAO conducts research to help farmers in rural
farmers to adapt to better farming strategies that are geared towards combating or coping with the effects of climate change that they would otherwise not know how to handle.

*Technology:* in a rapidly changing world, there is a need to inculcate technology into agricultural practices and how Kenya tackles issues of food insecurity. Institutions can contribute to this by providing technologies that would strengthen irrigation efforts in Kenya at a larger scale, and consequently increase productivity and food availability. FAO contributes to this function through supporting local farmers in training them to use new technologies to improve their productivity. It also disseminates timely intellectual capital to farmers that is collected through evidence-based applications and applied research. This information is meant to give farmers fair warnings in case of looming disaster, inform them on emerging trends in production and markets among other issues.

*Strengthening producer institutions:* through research and development, funding and training, institutions can boost mechanisms that are attributed to food production to increase productivity. This will reduce production costs and challenges experienced during production, especially by smallholder farmers.

### 4.6: IMPACT OF CORRUPTION ON FOOD SECURITY IN KENYA

A global food security analysis by the Economist Intelligence Unit singled Kenya out as one where the food insecurity is deeply affected by different forms of corruption. The report highlighted land grabbing as one of the corrupt practices undermining the achievement of food security, especially where both private and public entities cut backroom deals to gain land parcels and displace local farmers.
Additionally, the report highlighted the various scandals of corruption that have hit the agricultural sector, scandals that involve high political levels and elites. Of such scandals are the ones involving the grain reserves by the National Cereals and Produce Board and market prices. The report ranked Kenya, out of 113 other countries, at 87, with Singapore coming first in terms of food affordability, availability and safety (FSI, 2019).

**National Cereals and Produce Board**

The Board was established in 1985 by an Act of Parliament, and was mandated to act as a strategic food reserve whereby it purchases produce directly from farmers and stores it to facilitate food security (NCPB, 2019). The Board also takes part in commercial grain trading as well as famine relief under the National Famine Relief Programme, by distributing food to areas severely affected by food shortage (Mathenge, 2019).

In 2018, the NCPB was hit by several corruption scandals involving billions of Kenyan shillings when it emerged that officials from the Board were in league with traders to pay them at farmers’ expense for maize supplied. These traders, disguised as farmers supplying maize to NCPB, were paid close to sh.1.9 billion that was supposed to go to farmers, who were left frustrated and unpaid for their produce. In another scandal, it emerged that officials of the state made backdoor deals with a company in South Africa to supply maize to Kenya at a higher cost to the taxpayer, and that the maize that arrived at the port was unsafe for consumption. (Mukami, 2019).
The Board also battled with a corruption scandal involving fertilizers, when officials from the board were found to be colluding with cartels and traders to repackaged subsidized fertilizers meant for farmers for commercial sale. When Kenya turned to Uganda to import duty-free maize during a shortage, some traders rushed to buy a lot of it and sold it back to NCPB for profits, which undermined the whole purpose (Farmer, 2019).

Reports of unsafe food hitting the Kenyan market also surfaced in late 2018, further complicating an already fraught situation of public distrust in the government and worsening food security. Sugar that was believed to be fake packaged in local brands and containing certain substances that were harmful to people’s health, since the sugar was unprocessed and contaminated. It caused fear and widespread panic in the country, and put an already perilous sugar industry at risk since the sugar was imported to supplement the low supply from local cane farmers (Okoth, 2019).

Common characteristics of food insecure societies are that they are all classified as developing, highly populated and with poor governance. In order for a country to contribute to, formulate and implement good policies, it requires to have some semblance of good governance characterized by working institutions, independent judiciary, public participation and a strong legal system. The effectiveness of these policies and programmes is only as good as the institutions that are tasked to plan and carry them out. Corruption tends to disrupt the process of development to the point of making it almost ineffective, and when it occurs at high levels of government, the negative impact is massive as it trickles down to the common citizen (Aziz, 2001).

Kenya is food insecure, with a third of its population living in acute food shortage, malnutrition, and abject poverty, and the corruption situation is not helping at all. Kenyans can hardly trust a government that allows the mismanagement and embezzlement of public funds, as well as
misuse of power in state institutions, to fulfill their needs and rights, especially with regards to food security. An agency that is supposed to purchase produce from farmers is colluding with cartels and other traders to the disadvantage of farmers who depend on the NCPB for a livelihood, yet do not get paid.

Imported sugar that is not fit for consumption no less undermines the local sugar industries which are barely surviving as is, and endangers the lives of Kenyans. Farmers cannot access subsidized fertilizers to increase their yield because it is repackaged and sold at market price, making it unaffordable to small scale farmers and therefore lowers the productivity and availability of food in the future.

Kenya needs to resolve the issues corruption by bringing those involved – officials of state and other agencies – to justice, strengthening institutional capacities to keep officials accountable for their actions and promoting transparency to restore public trust in their government. By allowing these incidents to slide by with little to no consequence, the Kenyan government is essentially violating the rights of every Kenyan to have access to food, children to have access to basic nutrition, and state agencies violate their mandate as outline by the 2010 constitution. Kenyan citizens have legal recourse enshrined in the constitution, the right to food, to hold the government accountable for not doing enough to protect and fulfill their rights.

4.7: SUMMARY OF FINDINGS
This research was spurred by an inherent need to address the issue of food insecurity, which while it is not a new problem, has taken different dimensions over time. When the concept of human security was coined and food security was made a part of it, food security became more than just the availability of food. It became a multidimensional concept that affected all areas of
an economy and a right to all people to have socio-economic access to food. Food security had in the past been viewed as an area where the impact of rule of law was minimal, and thus left to environmentalists and scientists to solve. However, when it was redefined as part of human security, the rule of law became very applicable because it was now part of human rights.

In Kenya, food security has been affected by many factors from prolonged drought, unpredictable rainfall patterns, climate change, high international food prices and low productivity. However, in recent times, one of the greatest threats to food security in Kenya has been corruption, graft and the blatant mismanagement of public funds, resources and institutions meant to empower Kenyan farmers and boost food security for the present and future generations.

Kenya has a good number of institutions involved in food security, governmental, intergovernmental and non-governmental organizations, ranging from the ministry of agriculture to research institutions such as Kenya Agriculture and Livestock Research Organization, to international organizations such as Food and Agriculture Organization and the World Food Programme.

There are also a good number of policies, mechanisms, plans and legislative acts directed towards the achievement of food security such as the Food Security Act, the National Food and Nutrition Security Policy, Vision 2030, the Big Four Agenda and the guarantee to right to food and freedom from hunger by the Kenyan constitution and international legally binding statutes.

Despite all this, the achievement of food security has been elusive for Kenya for decades, yet the country has the capability to produce food for everyone, institutions to facilitate distribution, policies that if properly implemented would improve the already dire situation, yet millions of Kenyans still suffer chronic hunger, malnutrition and require emergency food assistance.
Scandals involving food and related agencies have shaken the confidence of Kenyans in their government to protect their right to food that is not only healthy but affordable and available to them.

One of the objective of this research was to assess the role of institutions on food security in the Kenyan context, and their roles were well documented. Institutions are rather vital to the pursuit of food security in Kenya, in areas of research and development, extension services, providing funding and resources that increase agricultural productivity, contributing to policy creation, reform and implementation, carrying out rural development programmes independently and in partnership with the government, providing technologies that aid in increasing the chances of achieving food security. Institutions are also important in terms of monitoring and evaluation of agricultural projects to assess impact, areas of improvement and so on.

The study also explored the numerous challenges and threats that inhibit the realization of food security for the people of Kenya: increased population that increases the demand for the limited resources of land, water and food; climate change which has caused unpredictable weather patterns that a lot of smallholder farmers in Kenya cannot handle effectively; corruption and graft where national agencies in charge of aspects of food security such as the NCPB are mismanaged; increased global food prices against stagnant incomes that make food unaffordable to the poor; poverty – dynamic in and of itself where the poor population is affected by chronic hunger, poor sanitation practices, poor access to information regarding food and nutrition; reliance on rain-fed agriculture which is unpredictable and scarce in recent years; patronage around policy making processes; and decreasing agricultural productivity.

Other challenges facing food security in Kenya include: a lack of diversified agricultural productivity, with most farmers and large scale projects focusing on staple foods like maize,
wheat, and neglecting opportunities in other commodities; conflict – civil strife over water and livestock in parts of Kenya; insecurity – the terror threat and ethnic tensions cause uncertainty and volatility that leads to low levels of production and investment in the agricultural sector, both of which negatively affect food security; gender inequality – women’s roles in food security are still not properly recognized yet they are vital to its achievement; and poor infrastructure both in terms of tools and farm inputs as well as transportation and storage of produce.

The study also identified key policy instruments in Kenya geared towards the achievement of food security, starting with the constitution which guarantees every Kenyan a right to food and free of hunger, and children the right to basic nutrition and food. The constitution also mandates that state entities be of integrity, accountable and transparent to the public, and this applies to food security agencies as well.

The National Food and Nutrition Security Policy is an overarching agenda drafted by the ministry of agriculture that outlines objectives and strategies for food and nutrition security in Kenya. It aims to secure a hunger-free country, reduce malnutrition in both children and adults, and address other challenges to food insecurity such as poor infrastructure, dissemination of relevant information, education on food and nutrition security and climate change. The policy also addresses vulnerable populations and how they can be taken care of in the food security frameworks through appropriate safety nets.

Vision 2030 is a developmental blueprint launched in 2008 to guide Kenya’s plans for economic, socio-cultural and political development and propel Kenya to a middle income and industrializing economy country by 2030. It has five-year medium term plans that assess the progress made so far and what needs to be done in the next phase to achieve the overall goal of the vision.
There are three pillars to Vision 2030: economic pillar where food security is addressed in terms of reforming agricultural institutions and increasing market access for farmers; the social pillar that addresses food security by encouraging rigorous research-oriented curriculums in higher learning institutions and promoting environmental conservation; and the political pillar which aims at achieving good governance, strengthening the rule of law, respecting rights and freedoms of citizens.

Kenya is a diverse country with a diversified economy ranging from agriculture, tourism, mining, a vibrant service sector and much more. It is the biggest economy in Eastern Africa, but it is not without its share of problems. Volatility during election periods, tribal and divisive politics, corruption, insecurity from within and without, unstable neighbors such as Somalia and South Sudan and food insecurity.

The future of Kenya’s food security looks bright, if the government would take appropriate steps to invest more into the agricultural sector, protecting citizens’ right to food, dealing with corruption, alleviating poverty through education, improving health care services and sanitation. Additionally, the use of technology would go a long way in improving productivity especially in rural areas. Mobile handsets are very popular in recent times, and are quite affordable and easy to use. This is an untapped area where a lot of impact could be made through virtual agricultural extension services, ease of access of relevant information and improved efficiency in production and distribution systems both at the local and national levels.
CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1: INTRODUCTION

This chapter provides a summary of the research variables discussed in the previous chapters and summarizes the results and findings and draws appropriate conclusions of the research problem. There is also a list of recommendations that have been arrived at in accordance with the findings of the research that can be applied by appropriate authorities in food security in Kenya. During the research process, several areas came up that may need further investigation, and have been outlined in this chapter as areas of further research.

5.2: Summary

The main purpose of this research was to demonstrate that the rule of law has a significant impact on Kenya’s food security. The fact of the matter is that the rule of law in Kenya is not equally enforced on all citizens, with powerful figures in positions of influence, particularly in food institutions, are ‘sacred cows’. This has led to an ineffectiveness in dealing with entities that compromise the food security of Kenyan citizens since they manage to avoid prosecution for their crimes and at the end of the day, it is the common citizens that suffer.

While Kenya is well endowed in the agricultural sector, solving the issue of hunger and food insecurity is not purely a production issue, and treating it as such yields little to no results. The fight against hunger is multifaceted, spanning across different dimensions of social, economic, political and environmental aspects that need to be dealt with concurrently rather than exclusively. Bad governance and corruption, unaccountability by government officials, structural inequalities, misuse of public funds; low levels of employment, poverty, gender inequality, lack
of education, poor access to healthcare services; environmental degradation, climate change and
global warming; all contribute to food insecurity.

There is a need for a multifaceted approach in the fight against hunger and food insecurity, both
as an obligation of the state and in order to protect human dignity in the form of the right to food.
This approach requires financial input, strong political will, strong judicial and governmental
institutions, innovation and research, protection of human rights and adherence to the rule of law.

5.3: Recommendations

Passing of the Food Security Bill 2014 and 2017 and its implementation: these Bills were
introduced to the national assembly and the senate for deliberation, and the provisions could propel Kenya into a food secure nation where the government fulfills its obligation to the right to food. It outlines the obligations of both national and county governments; since agriculture is a devolved function, and each county represents a region with its own food security needs, some more dire than others, and the national government in charge of the entire country’s food security and agricultural needs.

It is far reaching and addresses major concerns for food insecurity such as vulnerable groups,
specifically pregnant women and lactating mothers, infants and children, establishes a Food Security Authority at the national level and a Committee at the county levels to address challenges to food security and deal with emergencies and new challenges.

Of significant importance is the provision of the Bill that outlines offences that threaten food security and the consequences to individuals found to have committed them. The recent rise in corruption scandals that have hit the agricultural sector discussed in the previous chapter have compromised food security in terms of food safety, availability of food and storage of grain for
the future. The investigations into the incidents keep getting protracted and the culprits have not been prosecuted; this bill provides great guidance on how individuals involved in corruption can be prosecuted, and therefore needs to be approved into law.

Eradication of poverty: there is need to empower communities, especially those that are marginalized and special needs groups, by ensuring that they can access formal or informal education and training. This equips them with knowledge and skills to acquire gainful employment, open their own businesses and create employment, which in turn uplifts their economic status. With this empowerment, these people have income that can get them access to healthy, safe and sufficient food as well as a means to sustain their food security.

The government may also partner with private organizations in rural areas to customize a form of education that involves educating the families on proper nutrition and sanitation, and also equip them to contribute to the greater national development agenda. These partnerships can also extend to include providing access to credit services and funds to get their businesses started.

Strengthening capacity of the judicial institutions to be able to prosecute officials involved in corruption in the agricultural sector: as mentioned earlier, patronage plays a major role in the policy formulation process, and most of these policies are formulated to their advantage. Strengthening the capacity of judicial institutions would go a long way in allowing for the prosecution of high ranking government officials guilty of corruption.

There is need for the legislative and judicial arms of the government to show a strong political will to make sure that the rule of law, compliance and enforcement of policies is enforced, especially food and nutrition security laws and policies. This would go a long way in reducing corruption of government officials, protecting the rights of the citizens, and ensuring that the
government is held accountable. This would place Kenya on a great path towards achieving household and national food security.

Strengthening institutional capacities to implement the existing food security policies both at county and national government levels: the results yielded by this research have shown that Kenya has good and sound policies regarding agriculture, food and nutrition security. However, the capacity to implement these policies are limited – funding, technology, extension services, training of farmers and storage – which would improve the food security situation. Increased budgetary allocation of national resources towards agriculture, partnerships with international organizations and revitalized research in agriculture and food security.

Increasing agricultural productivity: there are many issues that threaten Kenya’s food security and reduce productivity include climate change, land overutilization, migration into urban areas and outdated farming methods that harm the soil. These issues can be effectively addressed by proper and timely dissemination of relevant information to farmers. This information enables farmers to make informed decisions on when to plant, harvest, what inputs to use, where to sell their produce and where not to, and to plan their activities in order to maximize production.

Information should be readily available to farmers through publications accessible in languages that can be understood and interpreted correctly, extension services, training sessions and seminars. In order to generate said information, the government and other interested partners need to invest in research and innovation.

Promote family planning: the alarming growth in population can be attributed to a lack of access to health services and information relevant to family planning. Increased population places a strain on the environment, biodiversity and further stretches scarce resources such as water, food
and energy. As such, there is particular need to improve access to sexual and reproductive health services, which are part of the third goal of the Sustainable Development Goals, quality health.

Information and education on family planning, sexual health, maternal care, should be incorporated into food security and nutrition strategies, especially in rural and poor areas. Compared to those living in urban areas, the people in rural areas have little access to information, services and products that are vital to family planning and therefore need it most. While such organizations as Beyond Zero have made great strides in promoting maternal and infant health care in marginalized areas, there is still a long way to go before Kenya can achieve social responsibility.

Reforming market policies: Kenya’s focus on market oriented agriculture as opposed to self-sufficiency has led to overproduction and an unjust access to food, especially for the rural poor. Most agricultural policies by the government mostly support large scale farming and foreign investors who specialize in genetically modified foods and undermine nutritional requirements of food. As such, there is a need to create more small scale farmer’s oriented policies that support their efforts, because food security is more than increasing production for sale; it involves ensuring self-sufficiency and fulfilling nutritional needs.

Increased support for smallholder farmers: there is a common thought that the solution to Kenya’s hunger and food insecurity is through large scale production or genetically modified foods, which has led to the small scale farmers being neglected. Small scale farmers are the key to resolving the chronic hunger and food insecurity that plagues Kenya, most of whom produce on a subsistence level. They account for over three quarters of the total agricultural produce and food demand, which stands to reason that there is a need to support small scale farmers to battle food insecurity especially in rural areas.
Small scale farming does not only provide food for families and households, but also contributed to employment creation, growth of small enterprises and businesses in rural areas, while prioritizing food production. Extension services play a significant role in the dissemination of relevant information and training farmers to reduce post-harvest losses and increase productivity (Lavi, 2019).

Eliminating patronage relationships: one of the major issues facing the application of the rule of law is the existence of patronage relationships that create a group of powerful elites that are untouchable and exempted from prosecution, often referred as ‘sacred cows’, and these relationships benefit from policy influence, especially in terms of trade, sale of subsidized agricultural inputs, both of which ultimately affect farmers at the ground level and reduce productivity. If Kenya has any chance of achieving food security and protecting the right to food for its citizens, then these patronage relationships need to be eliminated and every citizen treated equally in the eyes of the law.

Improve gender equality in agriculture and food security: women play significant roles as the primary nutrition providers in the household and make up the majority of rural farmers. However, their participation is limited by various factors such as their ownership of land and their access to credit and other farm inputs to increase their agricultural productivity. There is a need to improve the situation for women through policy reforms to allow women to own land, access credit resources and participate more fully to the contribution of food security.

Statutory and constitutional measures aimed at achieving women empowerment and gender equality need to be implemented, and especially targeted towards women in poor and marginalized areas. With women in charge of expenditure in the household, they are more likely
to spend more income on proper and nutritious food, health and sanitation compared to men, leading to improved household food security.

5.4: Conclusion

Agriculture is one of the most important sectors in the Kenyan economy, providing livelihood to most of the population and contributing sizably to Kenya’s gross domestic product. Kenya produces a lot of food every year, yet a third of its population is severely affected by chronic hunger, malnutrition and food insecurity. This reality proves that while the food insecurity situation can be attributed to climate change and other environmental factors, unequal access to food plays a big role in food insecurity in Kenya.

The right to food cannot be realized without interrogating the law, policy and implementation frameworks in Kenya that are aimed at protecting and fulfilling this right. This involves the dismantling of systematic barriers that block or limit access, utilization and all other aspects of food security for those living in poverty, marginalized communities, vulnerable groups such as women and children, as well as small scale farmers. Kenya needs to take progressive steps in law, policy and practicality of its programmes to eliminate patronage relationships and establish a food secure nation.

Structural inequalities that systematically alienate the common citizen have contributed greatly to food insecurity in Kenya, especially owing to the patronage of high level government offices and elites. This patronage relationship influences policy making at the highest levels of bureaucracy and the results are policies that are beneficial to a small section of the population, and lowers the chances of achieving food security. The recent scandals in the agricultural sector show the political and economic elite benefitting from situations that worsen the conditions of
the farmers and general Kenyan population to access food, markets and fair pricing for their produce.

The fight to end hunger and achieve food security is multi-sectoral and multidimensional, and any approaches cultivated to address it should reflect this. It is a social issue, economic, environmental, political, legal and cultural issue, and should not be approached by dealing with it from different disjointed sectors. It will require a concerted effort from stakeholders in all these sectors working together to form comprehensive plans and policies to eliminate hunger.

The judiciary, the national assembly, senate, county governments, civil society groups, international intergovernmental organizations and non-governmental organizations all need to be involved in eliminating food insecurity and achieving zero hunger in accordance with the Vision 2030 and the Sustainable development agenda.

In order to set Kenya on the path towards achieving a food secure nation for the prosperity of its citizens and the economy, there is a dire need to address the patronage systems that have plagued the bureaucracy and top offices of the country that influence policy making. Kenya has great, sound and implementable legislative and policy frameworks that can be instrumental towards ensuring greater productivity in agriculture and livestock and ensuring proper checks, balances, accountability and transparency for institutions and officials involved in food security.

5.5: Future Prospects

During the course of the research, the researcher came across interesting literature regarding new methods of tackling food insecurity: artificial intelligence. In the digital age, it is believed that artificial intelligence could be the key to solving Kenya’s food insecurity issue by revolutionizing agricultural extension services which have dwindled in recent years. These
services would include seminars, training sessions, provision of data generated from research regarding agriculture and food security. Artificial intelligence would be instrumental in reaching a wide range and audience of farmers across the globe at minimal cost and maximum effectiveness, all achieved by use of mobile devices. Additionally, there is need to assess new technologies emerging in response to issues of climate change and global warming, and whether they increase productivity or not.

Comparative studies between food movements in other developing countries that have made huge strides in achieving food security, such as Brazil, India, China, can be done to find ways in which Kenya can borrow from them. An in-depth comparison would highlight how Kenya can utilize its resources to achieve food security and eliminate hunger.
REFERENCES


https://www.theguardian.com/world/2013/jan/01/china-great-famine-book-tombstone

Centre for International Sustainable Development Law, 2005: Concept Paper: What is Sustainable Development Law?


World Food Programme, 2018


Interview Guide

My name is Winnie Mulia Makau, a student pursuing a Master of Arts in International Relations (Development Studies) at United States International University – Africa. The programme requires a research thesis as a partial fulfillment of degree requirements. This research is based on the title: The Rule of Law and Food Security: Assessing the Right to Food in Kenya. This interview is part of the research process where the researcher seeks out opinions from food security experts who can provide insight into the Kenyan food security sphere. The information gathered here will only be used for academic purposes and nothing else. Thank you for agreeing to this interview.

1. At least a third of Kenya’s population is believed to be food insecure. What are the top food security issues that Kenya should address at the moment to feed its people?

2. In what ways do you think adherence to the rule of law can be attributed to food security or lack thereof in Kenya?

3. Do you think institutions charged with the responsibility of ensuring Kenya is food secure have done enough towards this end? Please explain your answer.

4. Do you think enough has been done to ensure that those who frustrate farmers’ efforts to ensure food security are brought to justice. If no, what needs to be done?

5. Food prices have been fluctuating dramatically in recent times, especially of essential products such as maize, a staple food in the country. Why do you think that is?

6. What interventions and changes would you recommend for the corruption issues that face the agriculture sector and hinder food security?
7. What role do you think Kenyan institutions, both governmental and intergovernmental, play in terms of food security?

8. Food security is one of the four pillars in the Big Four Agenda for the current administration, with aspirations of reducing infant malnutrition and cut the number of food insecure Kenyans by half. What role do you think institutions play in this agenda?

9. What lessons can Kenya draw from how other countries around the world have dealt with food insecurity?

10. What future do you see for Kenya in terms of food security?

Thank you very much for your time.