

Legislation, Policies and the Practice of Urban Farming in Nakuru, Kenya: an addendum

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With a loan from ECLOF, the owner of this premise was able to expand his pig-raising activities and improve his butchery

The *Urban Agriculture Magazine* no. 16 (October 2006, pp. 41-44) contained an article written by me entitled “Legislation, policies and the practice of urban farming in Nakuru, Kenya: Contradictions abound”. Shortly afterwards, I received a reaction from the Nakuru Municipal Council stating, on the one hand, that the article contained “some good materials which could be considered by us as urban agriculture policy formulators”, but, on the other hand, that it contained “some misinterpretations on a number of facts which should be corrected”. The latter concerned a few things I had written about the Nakuru by-laws dealing, in one way or another, with urban farming. Generally speaking, the reaction in itself is a positive sign that policy makers are taking notice of what is published in the *UA-Magazine*. It is moreover proof that the magazine is fulfilling its primary objective of serving as a discussion platform.

Although the Municipal Council’s reaction actually shows that local legislation can be

confusing to outsiders (including perhaps many urban farmers), it is, of course, unfortunate that some of my statements regarding these by-laws were not entirely correct (any more). This was mainly because, first, I had to use initial drafts of the proposed Environmental Management By-laws 2006 and the proposed Urban Agriculture By-laws 2006, and, second, the period between submitting the article to *UA-Magazine* and the eventual date of publication was rather long. To put things right, the following corrections should be made to my article:

- The 1994 Public Health By-laws were recently reviewed and were *not* replaced by the Environmental Management By-laws 2006. In fact, the two sets of by-laws contain complementary provisions and will both continue to be in effect.
- The current Environmental Management By-laws 2006 cover “Beautification and Greening” under Part XV (By-laws 165-176) and none of these by-laws forbid any form of urban agriculture. In fact, all that is required under By-law 172(i) is a municipal permit as a regulatory

measure. The Council has adequate capacity to deal with issuance of such permits.

- Moreover, By-law 177(i) only requires any livestock keeper to obtain a Council permit and does not prohibit livestock keeping in any way.
- The proposed Urban Agriculture By-law 33 controls the height of crops *only* in the residential areas and not in all areas like open fields, etc.
- Just like other statutes, the proposed Urban Agriculture By-laws when approved shall take precedence over any other Municipal Council By-laws in *all* matters pertaining to urban farming. These corrections in fact strengthen the overall conclusion of my paper in *UA-Magazine-16*, which was formulated as follows: “Nakuru is ahead of many cities and towns in sub-Saharan Africa, where farming is not (yet) accepted as an urban type of land use and where ‘laissez-faire’ is still the rule”.