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Opportunities And Challenges Of Sub-County Agricultural Development Planning In Kenya; The Case Of Moiben Sub-County In Uasin Gishu County

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Abstract
Agriculture continues to be the mainstay of Kenya's socio-economic development as over 80% of its population is engaged in agriculture. According to the Constitution of Kenya 2010, agriculture is a devolved function and every citizen has a right to be free from hunger, and to have adequate food of acceptable quality. This can only be realized through rapid spatial planning starting from the grassroots. Moiben-Sub-County is one of the six Sub-Counties comprising Uasin Gishu County which is considered as a bread basket of Kenya. The paper examines the performance of agriculture sector under a devolved system, highlighting its opportunities and challenges as well as making proposals and recommendations for sustainable Agriculture development in Moiben-Sub -County. Data was collected through interviews of; 58 sampled farmers, the Sub-County Administrator and the County Ministry of Agriculture, Two Focus Group Discussion were conducted. The land in the Sub-County has been utilized for crop production (30%), livestock production (25%),Settlement (10%),Forestry (5%) and infrastructure (30%).Agriculture is beset by a number of problems including, disease incidences, prolonged drought, diminishing land holdings, poor roads, increased soil acidity, high cost of inputs and poor pricing of agricultural produce. Devolution has had a rejuvenating effect in the agriculture sector in the Sub-County as evidenced by 57 % of the respondents strongly agreeing and agreeing with the statement that devolution has been a success, with 43.1% of the farmers indicating that they had participated in the Sub-County development activities. The farmers have benefitted from subsidized inputs, free training, free soil testing, and road improvement initiatives leading to improved production and opening up of opportunities for marketing. The County Government and other stakeholders should put as priority programmes in such areas as motivation of farmers not to subdivide their farms, provision of infrastructure and agro-support activities on value addition, in their development agenda.

Keywords: Agriculture Development, Devolution, Sub-County

INTRODUCTION

Agriculture forms the backbone of most economies in sub-Saharan Africa. In Kenya, agriculture has remained the mainstay of the economy since independence in 1963. Although its contribution to the GDP decreased from 35 per cent in 1963 to 25 per cent in 1996, it employs about 75 per cent of the labor force, provides most of the food requirements for the nation and earns the country about 60 per cent of the foreign exchange (Kenya;2007).

Moiben sub-county covers an area of 565.50km² with a human population of 138,408. It is situated at the northern side of Uasin Gishu County bordering Turbo constituency to the East, Ainabkoi and Kapseret to the South and Soy to the North. The sub county is further sub- divided into five county assembly wards namely Sergoit, Tembelio, Moiben, Kimumu and Meibeki wards.

This study was carried out in Moiben Sub-County which is also a Constituency within Uasin Gishu County in Kenya. The Figure 1 shows the jurisdictional area of Moiben Sub-County

ROBLEM STATEMENT

Agriculture continues to be the mainstay of Kenya's socio-economic development as over 80% of its population is engaged in agriculture. According to the Constitution of Kenya 2010, agriculture is a devolved function and every citizen has a right to be free from hunger, and to have adequate food of acceptable quality. However these rights are not likely to be achieved unless proper planning for agriculture is done on the ground. Moiben Sub-County in Uasin Gishu County is the bread basket of Uasin Gishu County and by extension Kenya as a whole. It is a Sub-County which has numerous development variables including large scale farms. Fertile soils and flat topography important for mechanization.Moiben Sub-County is the leading producer of wheat and maize in the Uasin Gishu County. However the agricultural sector is beset by a myriad of challenges including; water shortage, livestock and crop diseases, inadequate extension services to the farmers and poor marketing infrastructure. There is also a challenge of land fragmentation which leads to reduction of available land for agriculture and for other development priorities. An agriculture and environmental development strategy is needed to provide a panacea solution to development challenges facing agriculture in Moiben Sub-County

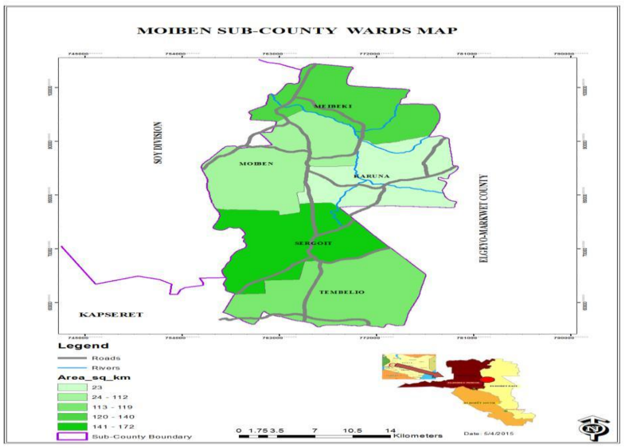

Figure 1: Moiben Sub-County
Source: Uasin Gishu County Integrated Development Plan (2013)

OBJECTIVES

The purpose of the study was to determine the situational analysis of the agriculture sector in Uasin Gishu County with specific reference to Moiben Sub-County. The ultimate goal being to develop strategies for sustainable planning and development of agriculture in Moiben Sub-County. More specifically, the study objectives were;

1. to assess the performance of agriculture sector in Moiben Sub – County
2. to identify the challenges facing agriculture sector in Moiben Sub-County
3. to make policy recommendations for sustainable development of Agriculture

METHODOLOGY

The data for the study were acquired through primary and secondary data sources. The library research was done, with the County Integrated Development Plans (CIDP) document and reports touching on agriculture development in Moiben Sub-County being reviewed.

A total of 58 land owners were randomly selected and interviewed using in depth questionnaires. Two Focus Group Discussions (FGDs) were conducted in Moiben Sub-County which informed the study on the general situation of agriculture. The Key informants contacted during the study were mainly the County

Executive Committee Member in Charge of Lands, Housing and Urban Development;County Agriculture officer in Charge of Moiben Sub-County and the Sub-County Administrator of Moiben Sub-County. They gave their inputs in such areas as; land use patterns, crop and livestock production; infrastructure availability; constraints to agriculture development environmental considerations; county development planning and the future of agriculture from the dimensions of land use planning.

The data collected were analysed using Statistical Package for Social Science (SPSS). Programme.The results were closely knit with data which was obtained from FGDs in order to come up with proposals and strategies for Agriculture development in Moiben Sub-County.

RESULTS AND DISCUSSIONS

It was considered important to capture vital information on background information on the randomly selected respondents such as the level of education, age and gender. In this study, there were 36 (62.1%) male and 22(37.9%) were female. The level of education was cross tabulated with the occupation and the results are presented in the table below;

Table 1: Background Information of the Respondents

Level of Education	Occupation					Total
	Farmer	Civil servant	self employed	Unemployed	Employed	
Primary	15	0	3	1	1	20
Secondary	11	1	2	0	2	16
College	7	3	3	0	0	13
University	2	2	0	0	1	5
Total	35	6	8	1	4	54

Muamalat Islam (Islamic law of contract) known gold as jewellery (for women), something that with high valued and become money in certain period of Islamic history. Not like the other items or product, gold categorize one of six ribawi item. Ribawi item means that items with special rule of transaction. Items that not included under ribawi item

LITERATURE RIVIEW

Rifki Ismal (2008) discussed the "Classical Arab Economic Contracts include wadiah and Their Relevance in Modern Financial Institution which cover core economic values and principles, economic system in classical arab history and the relevance of this economic contracts in modern economy. While Herdiana & Aliludin (n.d.), studied on finding determinant profitability in Islamic banking and explained the differences determinant of Islamic banking and conventional banking in Indonesia from July 2010 until September 2013 from eight Islamic banks and eight Conventional banks. In overview of Islamic monetary operation instrument in Indonesia, Auwalin & Sukmana (2012) has found out in keeping the shariah or Islamic law compliance, Islamic monetary operation instrument has adopted a different contracts such as wadiah, contract of ju‟‟alah as it to be better replacing the previous operation instrument in Islamic banks in Indonesia.

Gordon (2002), stated the purpose of his study in authors, publishers, and public goods trading gold for dross was seeks to clarify what ia at stake and what is not in the litigation challenging the constitutional validity of the Sonny Bono Copyright Term and Extension Act (CTEA). In an article wrote by Dusuki (2008) regarding fiqh issues in short selling in Islamic Capital Market in Malaysia, he emphasized that three main issues surrounding the short selling instrument which namely the issue of bay‟‟ ma‟‟dum (selling what the seller does not own), the eligibility of stocks as subject of a loan contract and benefiting from loan contract. In a study conducted by Borhanand Aziz (2009), stated that there a different relationship between Muslim people transaction and non –Muslim which give vary perspectives from fiqh Muamalat, Muslim jurists and non-Muslim perspectives. This study also highlighted the significant of Islamic economic principles which imperative to be applied and practiced by Muslim entrepreneurs.

Gold Investment account in Malaysia according to Hafizi, Al Habshi, Janor, Naseem, & Kamarudin (n.d), are offered for public through two different method, physical gold and gold investment account (GIA). A comprehensive discussion were studied including the characteristics, structure and contemporary applications of gold investment account in Malaysia. The shariah compliance issues are also discussed. A study of Shariah Analysis on the operation of gold investment in Malaysia by Rahman, Markom, Ismail, Yusoff, & Zakuan (2013) was focus on examining the shariah compliance of the gold operation and analyzed the gold investment parameter in Malaysia and the implications to the customer. It includes the features of gold investment, the rulings of gold investment in Malaysia and the practice of gold investment nowadays. However, according to Alwi, Suhaimi, & Mohamed Kamil (2013) on study of Gold Investment account between Kuwait Finance House (M) Berhad and Maybank, they found out many differences in the investment gold operation especially in their modus operandi, gold types, purchasing gold price and Shariah compliance.

WADIAH CONTRACT

Sudin Haron (1994) discuss that wadiah one of the syariah principles govern the operations of Islamic banks. Wadiah refer to agreement to deposit an asset, excluding immovable fixed asset, in the custody of another party who is not the owner or non-owner (Sudin Haron, Norafifah Ahmad & Sandra L. Planisek (1994). Another article disscuss on how wadiah can be implement in halal hotel operation as saving instrument (Mohd Rizal Razalli, Risyawati & Noorulsadiqin (2016). Legally, the Islamic scholars define wadiah as an empowerment to someone for keeping the owner‟‟s property explicitly and implicitly, presentation in keeping possession of respectable private goods in specific way or representation in keeping (other‟‟s property) and it is done (by the keeper) as charity (ISRA, 2012; Issa Qaed Mansour Qaed, 2014).

Legality in Islamic law of contract is very important. Sources of legality normally will refer to main sources of Islam law and second sources of Islamic law. Main sources of Islamic law is Quran and Sunnah, then follow by second sources like qiyas, istihsan, masalih mursalah and more. Legality for wadiah refer to al-Quran Surah al-Nisa‟‟ verse 48:” *Indeed, Allah commands you to render trust to whom they are due and when you judge between people, to judge with justice*”. Another evidence also from al-Quran Surah al-Baqarah verse 283 means:” *If you trust one another, then let him who is trusted fulfil his trust, and let him be conscious of God, his sustaine*”. This evidence from Quran story on how trust concept deeply very important in Islam way of life. Man must fulfil his trust and man must render trust when judge between two people.

Pillars is very important in Islamic law of business contract. All party in the contract require to fulfill the pillars to make sure the contract become binding and acceptable. Pillars for wadiah (deposit) (Issa Qaed Mansour Qaed, 2014):

a. Contracting parties: the depositor and the custodian must be person of sound mind.
b. The depositor is able to the take the property whenever he wants.
c. Offer (ijab) and acceptance (qabul): the majority of jurists are the view there is must be a valid offer and acceptance made in wadiah contract
d. Deposited property: it must be owned and deliverable. The item must be also form of property that can be physically possessed (ISRA, 2013).

Example how to fulfill the pillars in wadiah, like Ahmad save his money at Islamic bank use wadiah deposit account. Ahmad be a depositor, while Islamic bank is custodian. Ahmad able to withdraw his money from custodian whenever he want. The also must be offer and acceptance between Ahmad and Islamic bank to create wadiah agreement (wadiah contract). Another example is, Mikhail ask Raimi to keep his car for a week. This is due to Mikhail need to go outstation. Mikhail become depositor, Raimi become custodian, offer and acceptance happen between Raimi and Mikhail. Agreement between Mikhail and Raimi about to keep the car for a week. The custodian under wadiah contract permissible to charge some amount for their service based on agreement between them.

CONTEMPORARY GOLD TRADING

Gold have unique functions, portable, divisible, indestructible, scarce and cannot creatively be produced (A.M. Hafizi, Noreha Halid, Norzalita Abdul Aziz and Hawati Janor, 2016). Gold known as an ideal value keeper of which it can be kept for future use and will not be obsolete like fiat money(Syed Alwi, S.F., Suhaimi, M. & Mohamed Kamil, M. M., 2013). Gold bullion show support for the safe haven property (Tim Pullen at all, 2014). Gold also acceptable worldwide and easily recognize as a payment form. Demand of gold comes from many segments namely from its consumers in the form of jewellery, from industry as gold is an excellent conductor of electricity (World Gold Council, 2011).

According to Habib Ahmed, Riba (interest) of delay or credit Riba prohibits sale of commodities in the future even if the counter-values are equal (Islamic Finance News, 2016). The rule of Six ribawi items transactions based on Hadith by Muslim is: "Gold is to be paid for by gold, silver by silver, wheat by wheat, barley by barley, dates by dates, and salt by salt - like for like, equal for equal, payment being made on the spot. If the species differ, sell as you wish provided that payment is made on the spot".*Hadith : Muslim no 1587* (web Islamic finance, 2016). Based on the hadith, any transaction use this six ribawi items must be in cash and on the spot delivery. If Muslim buy a gold, silver, wheat, barley, dates and salt, must be in cash and on the spot delivery to make sure approved contract. If we void on cash part or on the spot delivery part, the contract are not approved or not acceptable based on Islamic law of contract. Islamic finance thinker believe that interest-based financing leads to a false economy, creating instability, inflation, unemployment, and cyclical crashes (Islamic Finance News, 2016).

Nowadays, awareness people in gold or to buy gold in Malaysia are more and high than before. This is due to more campaign on saving gold, more product and good in demand power. Types of gold products in market is gold investment account that offer by Islamic bank (KFHMB, 2016) and conventional bank (Maybank, 2016), trading physical gold like offer by Bank Negara Malaysia (BNM, 2016) and buy gold through online transaction. Some product of gold in Malaysia nowadays offer transaction through online. That‟s mean, we buy a gold, pay online (in cash) and waiting for certain period (not on the spot delivery).

One of the idea can be extend for discussion, using wadiah contract will void party from issue of delayed in delivery of gold. Delayed may happen due to the party involve in buy and sell gold stay far each other. Wadiah in gold transaction happen when one party ask another party to buy a gold or physical gold from him. Example in practice is Mahmud ask Zain to buy a gold at Singapore. This is due to Mahmud at Kuala Lumpur and Zain at Singapore. This transaction involved 25gram of gold. Mahmud transfer the amount of money to Zain like RM5000. Then Zain after foreign exchange process, will buy the gold for Mahmud. Zain will buy it from another party or jewelleries shop at Singapore. Mahmud promise to go and take the a gold from Zain after one week. So for the period of waiting one week, Zain will keep the gold with him. Under muamalat rule, wadiah can be use for process of keeping that gold. That‟s mean Mahmud agree with Zain to use and follow wadiah contract for keeping that gold for a week.

Based on wadiah pillars, Mahmud will be the depositor and Zain will be the custodian. The deposit is 25 gram of gold (maybe coin, maybe jewellery). Offer and acceptance under wadiah contract will do by Mahmud and Zain. Offer and acceptance can do through writing agreement, verbal or any any communication that can understand by both party. Mahmud can go and take the gold when complete one week of before it due to under wadiah depositor can withdraw whenever he want. Zain also can charge Mahmud for keeping service based on agreed by both party in early agreement. Wadiah between Mahmud and Zain will finish when Mahmud withdraw all 25 gram of that gold. Using muamalat contract like wadiah at least will make muslim far from involved in uncertainty contract. This is due to Mikhail and gold seller clearly done their transaction based on Islamic law of contract.

CONCLUSION

Islamic law of contract offers a lot of instrument to be practice in Islamic finance and banking industry and any trading and transaction related. Wadiah (safekeeping contract) can play an important role to make sure all the transaction compliance with syariah (Islamic law). As discussion in this article, wadiah practice can help people far from interest transaction when involved in ribawi items trading. As discussed in this article, wadiah practices can avoid any interest (riba) immersion in gold trading as a gold is a ribawi items which must follows a very strict condition.

Gold is one of the ribawi items and people always give high intention on gold trading. Using wadiah, can help Muslim to ensure that their ribawi items transaction is shariah compliance. It will helps muslim to buy gold or ribawi items if the items are not at their close custody, for example, are kept at 500 km away. Islamic law of contract guide us to trade according to shariah. All these efforts will help trade, investor, community at large, economic growth and most importance; blessing from Almighty God.

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