



Gender Imperatives of Land Reform in Kenya


A Webinar Report



Food and Agriculture
Organization of the
United Nations



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Land reforms in Kenya over the past decade provide for women's land rights, yet women have not benefited from these reforms. The constitutional provisions promoting gender equity and equality have not been implemented.

There is critical need for the implementation of land reform provisions that support gender affirmative action in terms of land and resources. From 2013-2017, the Government of Kenya issued 3.2 million titles, yet women received only 10% of these titles, amounting to only 1.62% of the land, thus shining a light on the gender disparities in land reforms. Clearly, the role of women and the imperatives of gender actualization have been belittled in favor of men.

The webinar on the Gender Imperatives of Land Reforms in Kenya took place on 23 April, 2019. This webinar featured key experts involved in promoting and working towards the gender imperatives of land reforms in Kenya. It was co-hosted by the European Union, the Government of Kenya, the Food and Agriculture Organization of the United Nations and the Land Portal Foundation.

Moderator: Husna A. Mbarak, Food and Agriculture Organization of the United Nations (FAO)

Panelists:

- **Dr. Fibian Lukalo, Gender Expert and Researcher**
- **Philip Kilonzo, Action Aid**
- **Rachel Dinda, Ministry of Lands and Physical Planning**

A complete recording of the webinar is available on YouTube:
https://youtu.be/lo-uO_4lcmI



Key Takeaways

- Land reforms in Kenya over the past decade provide for women's land rights, yet women have not benefitted from these reforms totally. Constitutional provisions have not been implemented.
- Most Kenyan rural women struggle with understanding succession, joint ownership and what the laws stipulate about women's land inheritance and how to exercise their rights.
- Land in Kenya continues to be one of the main sources of livelihood. When discussing access to land, research has shown that there is a correlation between rural poverty, urban poverty and land access.
- Affirmative action on land governance needs to take place so that the years of discrimination that women have faced can be redeemed. In this sense, the Community Land Act is a big opportunity for the government to bridge the gap and empower women.
- Women's empowerment is complex and multi-dimensional. A variety of actors, such as multiple agencies within the government, as well as community and religious leaders, are responsible to be advocates for women's land rights.

Webinar Summary

1) WHAT'S THE STATUS OF GENDER AND LAND RIGHTS IN KENYA?

- This is a relatively young issue in Kenya and is still not at the forefront of the mainstream debate.
- There is much legislation with regard to women's land rights in Kenya, included in the Constitution of 2010. Today, women can indeed buy land, however, around 95% of the land is still titled to men. Women continue to own a negligible amount of land.
- In general, agrarian transition has been slow and highly gendered. More women are living in rural areas and are working on land directly than men.
- Women, generally, are more inclined to affection of the family. This leaves them in a position where they are not able to claim their rights with authority.
- In essence, there are progressive laws and policies, but in reality, the gap is still there particularly around implementation. The patriarchal culture contributes to this, and there are still women who are not knowledgeable or aware of their rights as provided for within the constitution. There is a huge divide between those who know and those who are assuming their rights and those who are having their rights disenfranchised, and that needs to be looked at.

2) WHAT ARE YOUR THOUGHTS ON THE POLICY AND IMPLEMENTATION DIVIDE FOR GENDER AND LAND RIGHTS?

- Most Kenyan rural women struggle with understanding on succession, joint ownership and what the laws stipulate about women land inheritance and how to exercise their rights.
- The constitution of Kenya has brought positive support for women's empowerment, land access ownership and control, but cultural norms impeded full realization of these gains.

3) CAN YOU DESCRIBE SOME OF THE CRITICAL ASPECTS OF ACCESS, USE AND OWNERSHIP OF LAND SURROUNDING GENDER?

- Land in Kenya continues to be one of the main sources of livelihood. Research shows that there is a correlation between rural poverty, urban poverty and land access.
- Where land access does not exist for women, they are at risk for poverty, especially inter-generational poverty as well as food insecurity.
- Research shows that use of a home garden improves children's nutrition, and access to traditional medicines are made possible via land use.
- Women's land ownership in Kenya is limited. Women may have user rights, but do not own the land, and women are disproportionately represented among landless.

4) WHAT IS THE IMPLICATION OF THE INCLUSION OF GENDER ISSUES IN COMMUNITY LAND GOVERNANCE? IS SPECIAL ATTENTION TO WOMEN'S LAND RIGHTS NECESSARY?

- The Community Land Act provides equals rights to men and women in communities in Kenya. It vests ownership of community land to anyone regardless of gender.
- Affirmative action will enable women can catch up to men and overcome decades of deiscrimination.
- Joint titling remains a challenge in Kenya. Approaches that aim for transformative change in gender dynamics, starting at the household level, should be prioritized.
- Owning land assures women's self-confidence and has a multiple ripple effects, including the ability for women to demand their dues in government programs such as. health care and education.

5) WHO IS RESPONSIBLE AND HOLDS A DUTY TO ADVOCATE FOR GENDER AND LAND RIGHTS?

- Women's empowerment is complex and multi-dimensional. All agencies of the government must be involved not just in terms of land ownership, but also land in terms of the use and the access. Community and religious leaders should step in and advocate for women's land rights.

Notable Quotes from the Panelists



“LAND REFORMS IN KENYA OVER THE PAST DECADE PROVIDE FOR WOMEN’S LAND RIGHTS, YET WOMEN HAVE NOT BENEFITED FROM THESE REFORMS. THE CONSTITUTIONAL PROVISIONS PROMOTING GENDER EQUITY AND EQUALITY HAVE NOT BEEN IMPLEMENTED.”

- HUSNA MBARAK, FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)



“MANY WOMEN FORGO THEIR INHERITANCE RIGHTS IN FAVOUR OF THEIR BROTHER AND THE CULTURAL CONSTRUCTION OF GENDER INTERFERES WITH IMPLEMENTATION OF GUARANTEES TO WOMEN’S PROPERTY AND INHERITANCE RIGHTS.”

-DR. FIBIAN LUKALO, GENDER EXPERT AND RESEARCHER



“WE NEED TO PUT THE PATRIARCHY CONTEXT. WE’VE GOT MEN AS PROXIES WHO CAN STEP IN AND INFLUENCE DECISION MAKING IN HOUSEHOLDS. AND THERE ARE CASES WHERE EVEN SONS HAVE DISPLACED THEIR OWN MOTHERS FROM LAND. THAT IS THE CONTEXT WITHIN WHICH WE ARE LOOKING AT ACCESS, CONTROL AND USE OF LAND.”

- PHILIP KILONZO, ACTION AID



“THE TRUTH IS THE GOVERNMENT IS RESPONSIBLE FOR HER PEOPLE. AGRICULTURE CONTRIBUTE DIRECTLY TO 33% THE GDP IN KENYA, AND THE TRUTH OF THE MATTER IS THAT IT IS THE WOMEN WHO WORK ON LAND. THE GOVERNMENT HAS DIRECT RESPONSIBILITY TO ENSURE THAT WOMEN ACCESS, USE AND CONTROL LAND.

- RACHEL DINDA, MINISTRY OF LANDS AND PHYSICAL PLANNING



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