

**FACTORS INFLUENCING LAND OWNERSHIP BY WOMEN: CASE
OF KHWISERO CONSTITUENCY, KAKAMEGA COUNTY, KENYA**

BY

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DECLARATION

This Research project report is my own original work and has not been presented for any award in any other University.

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DEDICATION

This study is dedicated to my parents James Ileri and Sicily Muthoni for their continued support and encouragement during this time of study. Without their all-round support, I would not have managed this task.

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ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
CBO	Community Based Organisation
CBS	Central Bureau of Statistics
CSOs	Civil Society Organizations
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
FBO	Faith Based Organisation
FAO	Food and Agriculture Organization
GBV	Gender Based Violence
HH	Household
HIV	Human Immunodeficiency Virus infection
KNLP	Kenya National Land Policy
NGO	Non-Governmental Organisation
FGD	Focus Group Discussion
KII	Key Informant Interview
SPSS	Statistical Package for Social Scientists
UN	United Nations
WR's	Women's Rights

ABSTRACT

There has been progress in terms of legislation of land ownership and women rights on the same subject in Kenya and a number of Non-Governmental Organizations and Civil Society Organizations are in the fore front promoting women land ownership. It is noted that women play an integral part in food production for their families however, land tenure system in the rural areas discriminates against women hence very few women own land. The overall purpose of this study was to establish various interventions that the state and community can adopt to ensure that women gain support in accessing owning and controlling land, an essential factor of production. The objectives of this study were to assess the influence of access to information on women land rights on women land ownership, to examine the influence of land administration patterns on women land ownership, analyse the social economic impacts of women land rights and assess the role of culture in realizing women land rights. The study focused on the factors that promote women land rights by examining the global and national context in the quest to realize women land and property rights. Relevant literature was reviewed to ascertain the state of women land ownership and study gaps were identified. The study employed descriptive survey research design that was both quantitative and qualitative in nature adopting a participatory approach. The target population was 46390. Primary data was obtained using questionnaires, Focus group discussion guides, key informant guides and literature review including observation. Statistical Package for Social Sciences was used to analyze data. 396 respondents participated through random sampling. The data output is presented in form of tables. The research findings show that access to information influences women land ownership, it also came out clear that land administration patterns contribute to realization of women land ownership, it was also found out that socio-economic as well as cultural factors influence women land ownership. Other factors that emerged included the fact that some women did not want to own land feeling that it will break family ties and the fact that women get married therefore they should not inherit land in their fathers' homes. It also emanated that regular training on women land rights was necessary since a good number of respondents said they did not know any women land right and even the constitutional provisions were not understood thus simpler versions should be provided. However, the same was attributed to the retrogressive culture still existing in the society. Women empowerment issue also came up as a factor leading to improved society hence allowing them to own land is one of the indicators of empowerment. Based on the findings the research recommends that to promote women land ownership, the following should be done: Training on women land rights right from primary schools to the local communities and this means that there should be inclusion of the study of women land rights in the primary school curriculum, Non-Governmental Organizations and Faith Based Organizations together with Civil Society Organizations dealing in women rights should concentrate on awareness creation and always refresh the target group as often as possible to make it a norm, the Government and NGO world should look for a way litigation can be made free to women seeking justice on land rights and that the law makers should come up with a law prohibiting the cultural practices that hinder women from land ownership not just as a paper but sensitize people on it and ensure it is followed. The study concludes with confidence level of 95% that women land ownership is influenced by factors as access to information, land administration patterns, socio-economic and cultural factors.

CHAPTER ONE

INTRODUCTION

1.1 Background to the study

Land is not only a source of food, employment and income; it also gives social prestige and access to political power. Land has long been recognised as key to advancing the socio-economic rights and wellbeing of women and their position in society (Rodernberg and Wichterich, 1999) While the above has been noted globally, access, control and ownership of land largely remain the domain of male privilege, entrenching patriarchal structures of power and control over community resources, history, culture and tradition. For the majority of women in Africa, access to land is still linked to their relationship with a male family member and is forfeited if the relationship ends. It is paramount to note that most African women do not own the land on which they farm and many cultural practices and/or laws limit women's access to land and their control over land. Many women can only get access to land through male partners or male relatives. Where it is customary for land to be passed from father to son, women are rarely allocated land of their own. When women are allocated land, their husbands or other men in positions of authority often take control of the land. Widows and girl children are often denied the right to inherit land. They may be violently forced off the land.

According to (Kabeer, 2009) Women play an integral part in the production of food and goods, from work in fields, factories, and home-based business across the globe. Women's land rights *are* critically important. We know that they are correlated with increased empowerment and better outcomes for women and children. When women have a secure claim to land, they are less vulnerable when their husband dies or leaves. There is a critical relationship in the role that women play and the sustenance provided for families, communities, and nations. Globally, an estimated 41% of women headed households live below the locally defined poverty line, with one-third of the world's women either homeless or living in inadequate housing facilities.¹ The additional exclusion of women from access to land pushes them towards cities, where they often join the ranks of increasing number of women-headed households in slum area. However, through the processes of globalization and industrialization, there has been a noted increase in the numbers of women entering in the waged labour sectors. Rural women are solely responsible for half of the world's food production, and in developing countries, as much as 80% of food crops.

More recent estimates claim that half of the world's food and in developing countries, between 60-80% of food crops are the results of growth from seeds that have been planted by a woman's hand. This persistence of traditional divisions of labour, in which women hold primary responsibility for producing food, as well as other labour-intensive tasks such as gather water and fuel, contributes to the large percentage of women informally working in rural areas. The roles that women play differ significantly by region, with an average of 43% of the agricultural labour force in developing countries, ranging from 20% in Latin America to 50% in Eastern Asia and sub-Saharan Africa. Thus, in addition to increasing vulnerability and reducing status, exclusion of women from the decision making process and the control and transfer of land has also led to a decrease in food security and sustainable development.

Majority of the world's poor people live in the rural areas. But women and indigenous groups are often in a disadvantaged position in terms of access to land, inheritance practices and norms and procedures for formalizing land rights. Strengthening women's rights to land ownership contributes to gender equality and poverty reduction since women are responsible for most food production. Amanda, E. (2007). A quarter of the world's 1.1 billion poor people are landless. Almost 200 million do not have sufficient land to provide a decent standard of living. The percentage of women reporting that they own land ranges from 11% in Senegal to 54% in Rwanda and Burundi. But these numbers must be compared with those for men: The comparable figures for men are 28% in Senegal and 55% in Rwanda and 64% in Burundi. The largest gender gap in land ownership is in Uganda, where the share of men who own land is 21 percentage points higher than that for women. The gender gaps are much larger if we consider only land that is owned solely (individually), by a man or woman, rather than include both sole and joint land ownership. By having a more accurate picture of where women have more or less property rights, advocates can more effectively leverage their resources to achieve their goals. More of the privately owned land is reported as being owned by men than by women. In Niger, only 9% of the land is reported as owned by women, 29% jointly by men and women and 62% by men. In Tanzania, only 16% of the land is reported as owned by women, 39% jointly by men and women and 48% by men. In Ethiopia, 15% of the documented land ownership is reported as owned by women, 39% by men and women jointly, and 45% by men.

Studies by (Karlin, 2011) indicate that rural women play a key role in supporting their households and communities in achieving food and nutrition security, generating income, and improving rural livelihoods and overall well-being. They contribute to agriculture and rural enterprises and fuel local and global economies. As such, they are active players in achieving the Millennium Development Goals. Yet, every day, around the world, rural women and girls face persistent structural constraints that prevent them from fully enjoying their human rights and hamper their efforts to improve their lives as well as those of others around them. In this sense, they are also an important target group for the Millennium Development Goals. Over the past decade, stakeholders have made a variety of generalized claims concerning women's landownership, both globally and in Africa. Typically, these claims include statements with single statistics, such as "women own less than 2 percent of the world's land" or "women own approximately 15 percent of land in Africa south of the Sahara." These claims are problematic because they are not substantiated by empirical evidence, do not reflect variations in landownership across or within countries, do not acknowledge differences in landownership regimes, nor address comparative ownership by men in the same contexts. Neither do they address the difference between ownership and control of land. The lack of a clear understanding behind statistics on gender and land also leads to an inability to clearly articulate a policy response to the potential inequalities faced by women and men. Women the world over, have been at the centre-stage of economic production, including agricultural, livestock and business sectors.

In Africa, where the mainstay of most economies is farming or agriculture and livestock production, women contribute to over 80 percent of the workforce. In most parts of Africa, women are closely associated with production of food and raw materials for the industrial sector. Indeed, women are also more directly involved in small-scale crafts and localized industries, trade and general business. Among various Kenyan communities, women do not traditionally own land or other immovable properties. At best, they have *usufruct* rights, which are hinged on the nature of the relationship obtaining between and men either as husbands, fathers, brothers or such other male relatives. Such access can be denied, as it is dependent on the whims of such male benefactors. This situation does not only place women in a precarious position in terms of their survival and livelihoods, but stifles their effective role and contribution to national development. With agriculture and other land based natural resources being the main sources of livelihood, the consequences for women not owning, controlling or accessing land are grave.

The Women's land rights remain one of the most important sites of social, political and economic contestation in postcolonial Africa. Land is not only a source of food, employment and income; it also gives social prestige and access to political power (Onyango, 1994). Land has long been recognised as key to advancing the socio-economic rights and wellbeing of women and their position in society. Yet access, control and ownership of land largely remain the domain of male privilege, entrenching patriarchal structures of power and control over community resources, history, culture and tradition. For the majority of women in Africa, access to land is still linked to their relationship with a male family member and is forfeited if the relationship ends. Even where land reform policies include gender equality goals, these tend to fade when it comes to implementation. The lack of serious attention to gender equality reinforces the marginalised position of women and undermines mainstreaming efforts to improve women's rights. It also hampers, broadly speaking, strategies for economic development. In Kenya, women constitute approximately 52.2 per cent of the population and form the backbone to rural development by providing up to 80 per cent of the labour force. They contribute about 70 per cent of food production. However, women in Kenya access only 10 per cent of the resources and own just about 1 per cent of these resources. Furthermore, illiteracy rate for females is higher than their male counterpart. This results in women constituting about one-fifth of the formal employed labour force and occupying low paying jobs like teaching and secretarial positions. Women are disadvantaged by traditions that limit their capacity to earn income, their access to information and productive resources, their control over time, and resources. On ownership of productive assets, the major limitation is the cultural set-up where men are the owners of land, leaving women with no collateral to offer as security to access loans.

It was imperative therefore that the land laws be reviewed and enforced where there is clear manifestation of discrimination. It was also essential that emerging policies, laws and programmes integrate gender perspectives in terms of ownership, access to and control of land. There was a need to look beyond legal and policy reforms and adopt broad based social change towards women's land rights.

1.2 Statement of the problem

The land tenure system in the rural areas discriminates against women. In traditional customary law, the wife is considered the property of the husband and so whatever she owns devolves to the husband. In addition a woman's continued interest in a property owned by her husband is dependent on two factors: Whether she bore children with the husband, or whether on the death of her husband she chooses to remarry a male relation of her deceased husband. Caroline, (1995).

In Khwisero Constituency, land is small and a source of conflict, nevertheless the community continues to bear children in order to name the children after their prominent relatives who pass away. Women are not allowed to own land under any circumstances. The community feels that if women buy and own land under their names, they ultimately undermine family unity and ties. Women may feel they do not need their husbands. If a woman has money and she needs to invest in land, she should buy the land in the name of the husband. After which she can use the land as she pleases. Widows are often ejected by their in-laws out of the family land when their husbands die. Many women lose their rights to property after divorce or the death of a spouse. Women's socially sanctioned dependence on men leaves them vulnerable to 'cultural traditions' that do not recognize women's ownership of land and other property. Men most often are willing to enforce such so-called customs. It is also emerging that some women who were themselves denied rights because of retrogressive practices uphold such practices to deny other women their rights

When most women get married, the major contention at the family level is access to land, and not having any control over it. This lack of control over land leaves women at the mercy of men. Women rarely inherit land and other property in their rural homes. This is the reason why more female household heads move to the urban areas in search of employment as they lack other means of production and survival. Women continue to suffer several abuses in relation to their land and property rights, mainly because married women lack control of property and unequal division of property upon divorce or separation. Land rights tend to be held by men or kinship groups controlled by men, and women have access mainly through a male relative, usually a father or husband. Even then, women are routinely obliged to hand over the proceeds of any farm sales to a male and have little say over how those earnings are used. Moreover, such limited access is very tenuous and can be quickly lost. Widows lose access to family land when their husbands die.

Despite rigorous attempts to change the trends and attitude about ownership of land by women, little progress on the ground has been achieved. This has limited the chances of women to get access to capital as well as limiting the number of women who can get into long-term projects involving use land. This has in the long-term helped in maintaining abject poverty among women and women led households. To support the numerous efforts that have been made by the civil society, the government has passed land laws and policies in the Constitution of Kenya with the aim of promoting women land ownership. Despite all these efforts, why is so little gain being realized in women ownership of land in Kenya? This study sought to establish the factors that can champion women land ownership in a patriarchal society where land ownership remains a domain for men despite all efforts being put in place counter this.

1.3 Purpose of the Study

The purpose of the study was to establish the factors that influence rural women to own land in Khwisero Constituency, Kakamega County. The findings will go a long way in providing empirical evidence to the state and other actors to put in place interventions and enforce laws that support women access and ownership of land.

1.4 Objectives of the Study

- i. To assess how access to information influences realization of Women Land ownership in Khwisero Constituency.
- ii. To examine how land administration patterns in Khwisero Constituency influence the realization of Women land ownership in Khwisero Constituency.
- iii. To analyse how Social-Economic factors influence women land ownership in Khwisero Constituency.
- iv. To assess the role of culture in influencing women land ownership in Khwisero Constituency.

1.5 Research Questions

- i. How does access to information influence realization of women land ownership in Khwisero Constituency?
- ii. How do land administration patterns promote women land ownership in Khwisero Constituency?

- iii. What social economic factors support women land ownership in Khwisero Constituency?
- iv. How does culture influence realization of women land ownership in Khwisero Constituency?

1.6 Assumptions of the Study

The study assumed that the respondents would freely and truthfully answer all the questions without bias.

1.7 Significance of the Study

This study is anticipated to offer alternatives for the state, researchers, NGOs and FBOS among other players to put in place interventions that promote women land ownership. The study will also benefit researchers and learning institutions in suggesting areas of further research. It will form the basis of literature review for further researches.

1.8 Delimitation of the Study

The right to land issue especially for women remains a big debate in most African Countries. The study therefore was rooted and grounded from various discussions and literature available that unraveled the reasons why women do not own land despite numerous laws and policies that exist to promote women land ownership. The study restricted itself to factors related to: access to information, land administration patterns, socio-economic factors and culture. The study targeted rural households in Khwisero Constituency, Kakamega County and drew focus in the three sub-locations of Kisa Central, Kisa East and Kisa South.

1.9 Limitations of the Study

This study was limited to Khwisero Constituency, Kakamega County Kenya. It was anticipated the time to conduct this study could be limited. Finance was also a constraint to carry out research in distant Khwisero. The researcher however drew a schedule and adhered to it to make the work as effective and efficient as possible. The researcher also worked within the available budget to make sure the necessary data was obtained.

1.10 Definition of Significant Terms

Culture:	Culture in this study is defined as a way of life informed by people's perception, attitudes and behavior.
Gender Mainstreaming:	Gender mainstreaming is strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of the policies and programmes in all political, economic, and societal spheres so that women and men benefit equally and inequality is not perpetuated.
Land Tenure:	Land tenure is the political, economic, social, and legal structure that determines how individuals and groups access and use land and related resources—including trees, minerals, pasture, and water.
Patriarchy:	It is a social system in which males hold primary power, dominate in roles of political leadership, moral authority, social privilege and control of property.
Power:	Power is the ability to influence or control the behaviour of people. It is the ability to do something or act in a particular way, especially as a faculty or quality.
Resources:	Resources are means and goods including those that are economic like household income, productive like land, equipment, agricultural inputs (including labour) and opportunity to leadership and decision-making, information, organization and time
Rights:	Rights are legal, social, or ethical principles of freedom or entitlement; that is, rights are the fundamental normative rules about what is allowed of people or owed to people, according to some legal system, social convention, or ethical theory.

1.11 Organization of the Study

This research project report consists of five chapters. Chapter one describes the background of the study, statement of the problem, purpose and objectives of the study, research questions, assumptions, significance, limitations, delimitations of the study and definition of the significant terms. Chapter two focuses on literature review, Theoretical framework and Conceptual framework. Chapter two has been organized according to the objectives of the study, theoretical framework and conceptual framework at the end. Chapter three presents research methodology used in this study. It includes; research design, target population, sampling procedures and sample size, data collection instruments, pilot testing of the research instruments, validity of study instruments, reliability of study instruments and data analysis as well as ethical consideration and operationalization of the study variables. Chapter four presents data analysis, presentation, interpretation and discussions. Chapter five presents the summary, conclusions and recommendations of the study.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter focuses on review of relevant literature on women's access to and control over land and assessment of relevant policies and legislatives within a global Context. The existing efforts to champion women rights as well as the impediments were analyzed in detail to give a reflection of women land rights. This chapter assesses women land rights, how access to information influences realization of Women Land ownership, Local and International policy frameworks and institutions, Land administration Patterns in Kenya and the role of culture in influencing women land ownership. A conceptual frame work has also been presented and the literature gaps identified.

2.2 Access to information and realization of Women Land ownership

One of the key problems relating to women's land rights in sub-Saharan Africa is a lack of knowledge on behalf of women of their statutory rights. On top of this, African society and leaders are largely unaware of the benefits and importance of providing access to land for women. In this vein, education programmes are necessary at all levels of society from leaders to rural communities (Erickson, (1999). Organisations that are currently active face considerably difficulties in mobilising the whole of society in order to support women's land rights. It is important to raise awareness not only on the available legal frameworks but also on the negative consequences of restricting land rights in the context of HIV/AIDS and of reducing poverty more widely for example. Dialogue is also essential, allowing women to share their experiences and come together to fight for their rights as well as allowing policymakers, implementers and stakeholders to share experiences.

According to Fortmann, (1998) key actions of promoting land rights awareness include advocating for the representation of women in land boards or other bodies responsible for distributing or overseeing land rights, supporting capacity building of state institutions responsible for land surveying, distribution and land management, in order to raise awareness among civil servants of existing laws and policies. This can increase the understanding of the importance of equality of access to land and the knowledge of what tools can be used to promote women's access to land. The knowledge must be institutionalized by installing persons or departments responsible for monitoring and evaluation, development of methods

and training. It is also critical to support efforts to sensitize local and traditional leaders, officials and others with decision making power over land distribution, management and to equip them with tools to protect women's rights to land. It is also important that state and other actors support assessments of how customary complaint system can be made gender-sensitive. Supporting efforts to ensure that politicians, executive officers and technicians working with land laws and regulations, national land policies, land surveys and land cadastres are updated on new policies, laws or practices regarding equality in access to land can also go a long way to promote efforts towards women land ownership. Civil society organizations can also play a critical role in awareness-raising and access to information for women, men and communities about existing legislation and policies by informing them about where to turn to get assistance to claim land or protection against land grabbing. Efforts need to be beefed up to explore new, effective communication channels in order to prevent dependency on traditional ways of spreading information that tend to leave out women. Access to information on land ownership rights remains a key tool for empowerment. Information as an empowerment argument contends that women's land rights are important because they will empower women, a development goal in and of itself. Empowerment is a process that expands women's agency – or, more simply put, it is an increase in women's ability to make choices about their lives and environment Malhotra and Rowe, (2003).

Empowerment is conceptualized as three moments in time Kabeer, (1999). The first moment comprises pre-conditions or resources, the second is the element of action or agency, and the third is the outcome. Following Parker, (2005) these pre-conditions can further be divided into sources and settings of empowerment. Settings of empowerment are characteristics of women's past and current environments that facilitate empowerment, such as the education of their parents. Sources of empowerment are objects and assets which women have that improve their security or influence and thus improve their household bargaining power and facilitate empowerment more broadly. Based on this understanding of empowerment, land ownership should act as a source of empowerment by increasing women's security and influence and increasing their control over household decisions Haddad, (1997).

The principles of participation and inclusion have to be considered in all phases of the legislation, policy and programming processes: assessment and analysis, programme planning and design, budgeting and financing, implementation, monitoring and evaluation. Access to information, as well as meaningful consultation and participation in decision-

making instances, relevant to access, use and control over land, should be equally guaranteed for both women and men. States are obliged to implement decision-making processes in a transparent manner. Transparency means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is provided in easily understandable forms. Transparency in the formulation and implementation of public policies empowers the public to access social services, participate in the formulation of policies and demand protection of their rights. Facilitating women's access to information is a powerful strategy in protecting their human rights related to access, use and control over land and other productive resources.

A huge gap remains between laws (that grassroots women lack knowledge of) and the social norms that continue to prevail at local level. Efforts should be made to inform women about laws, packaging information in an accessible and culturally-appropriate way. Despite years and years of efforts to raise awareness and providing information about women's land rights, much remains to be done to spread this message even further especially to those who are difficult to reach Varley and Blasco, (2000). In rural societies, the landless or near landless and those with insecure tenure rights typically constitute the poorest and most marginalized and vulnerable groups. The rights of these groups tend to be secondary, rarely extending beyond use rights. Moreover, these rights are often unprotected and weak, especially for women. Many marginalized and vulnerable groups are simply not aware of the rights they have. They often live in remote areas, at times in seclusion, they are illiterate, communicate in minority languages. It is important to identify advocacy opportunities and plan for awareness campaigns that are tailored to their needs and come from community leaders that they know and respect. When sensitizing women about their rights, it is essential to work with men at the same time to create win-win situations.

IFAD and Oxfam Novib piloted a community-led methodology for value chain development (VCD) which sensitized many couples register their land in both names Crowley, (1998). The project took place in Uganda and involved local organizations in the coffee, maize, beans and fruits value chains. The methodology was effective in empowering the most vulnerable women and men to increase gender equality within households, increased productivity, quality and incomes, and reduced risks. It brought about immediate changes in gender attitudes and behaviour of men as well as women at different levels of the value chain

through individual and collective activities. It successfully addressed gender inequalities in property rights, division of labour, gender-based violence and participation in economic decision-making at household and local levels. Another issue that was raised is the training of the administrative staff. In some communes, the lack of awareness among municipal officials in regards to applicable laws on land management, limits access to reliable information thus restricting people's ability to exercise their rights. Regarding the content of the laws, only 15% of households know that a land certificate can be established in several names. Most of the time, the land certificate is established in the name of the husband who simply doesn't think about registering his wife. If a man were to visit the local land office by himself, staff members should be trained to ask about his family status, if his wife consents to him being the sole owner of the property and if he knows of the possibility to register the land jointly in his and his wife's name. Relevant Government institutions, civil society organizations and other actors need to disseminate information in a way that is comprehensible by women. It should be taken into consideration that the illiteracy rate is much higher among women than men. Adoption of training and advisory materials for the non-literate population is essential. An investment needs to be made to employ those forms of media that reach women in rural areas and in poorer districts of cities. Careful consideration should be made to explain the rights and obligations associated with holding title to land.

Women should feel comfortable about being title holders. They should understand the rights, responsibilities and opportunities granting title to land carries and the potential changes and consequences this may bring in terms of their status (i.e. fees to be paid during transaction, possible tension with male relatives, etc.) Regular discussions on the meanings of land administration terms should be held with women. For instance, women's understanding of the term security of tenure or ownership can be greatly different from what men think. This should be within a non-threatening environment where women are not afraid to ask questions. Considerable effort should also be made to Consult those women directly who will be affected by the program outcomes. More and more accurate information can be gathered as to the priorities and interests of women when they are asked directly. Development actors addressing women rights should ensure that there is a two-way communication mechanism in place between women and surveyors. Women's experience and knowledge should be part of the initial community assessment. Facts pertinent to the project should be communicated to women by development professionals and women must have opportunity to voice their concerns without being intimidated. Religious and customary laws governing the interactions

between women and "outsiders" must be understood before the project, be adhered to, and worked around (e.g., by employing women to conduct the interaction). Women must also be included among surveying professionals working with local communities. Female professionals might be able to establish connection with women's groups in communities where religious or cultural customs prohibit social contact between the sexes or when women are not allowed to speak publicly in the presence of their husbands. It is however equally important that female professionals responsible for these tasks have a good understanding of the gender dimensions of the project, the local situation and are willing and able to undertake these assignments (Agarwal, 1995).

In their discussions, Schlager, (1992) notes that in order to increase awareness about the obstacles hindering women's participation, one needs to be aware of women's daily schedules. It would be important to plan for meetings and information sessions during that part of the day when women are able to attend. Accommodate women's request in terms of timing and location. Women are seldom able to visit geographically remote areas for the purpose of attending meetings. It is also important to analyze decision-making patterns within domestic units. It is often the male head of the domestic unit who is viewed as the decision maker and it may be so. Research has shown that the male decision maker does not necessarily represent the interest of the women and children in the domestic unit. Receiving independent input from women is essential when a project may affect their well-being. Many policymakers are now convinced that policy and legal reforms to strengthen women's access to land is an essential ingredient for their empowerment. However, the effectiveness of such reforms will depend on an understanding of women's and men's existing rights to land, and how these rights may affect access to other natural resources. This is where the use and generation of new information on women's land rights will be crucial. Accurate and appropriate gender-disaggregated information on women's property rights can be used to design sustainable agriculture projects through mechanisms such as mapping both legal and customary rights, particularly rights of use, will help identify groups which may be affected by proposed interventions, and help them renegotiate rights to resources; understanding the distribution of rights may help identify factors other than gender, such as caste, class, and ethnicity, which may affect the willingness and ability of people to participate in projects, as well as the distribution of benefits; where land rights are linked to rights to water and other natural resources, policymakers and planners can assess the indirect effects of attempts to

change rights to one resource; women can be made aware of legal reforms designed to protect or strengthen their rights and how to make sure these are enforced.

Researchers are often viewed as the source of new information to influence policymakers Tinker, (1999). Generating new information on women's land rights may involve new methodologies which would require researchers of various disciplines to work more closely together. Information on assets and rights cannot be separated from who the users are. At the most basic level, are there good data on who are the farmers? Researchers and policymakers also need to understand the various uses of a natural resource. It is often assumed that resource is used for only one thing, e.g. irrigation and land for field crops or forests for firewood, when in fact there are complex overlapping uses (e.g. fallow fields being open for grazing, or water being used for agriculture and domestic uses). Many of the customary rights relate to those "secondary" uses, and those tend to be very neglected by statutory legal rights.

2.3 Land administration patterns and Women Land Ownership

Land administration as the process of registration and dissemination of information in relation to land transactions. A good land administration system should provide land title guarantee and land tenure security, supports the process of land taxation and land development, and guides land transactions Ian, Stig, Jude and Abbas, (2008). A cadastre, defined as a parcel based and up-to-date land information system containing a record of interest in land is the core or basis of a land administration system. On the other hand, land rights delivery is a process, which entails the mobilization of institutional mechanisms and personnel for ascertainment of rights, registration, planning, demarcation and/or survey, and the preparation of cadastres

At independence, a great many countries in Africa opted for state ownership of land and Leasehold tenure rather than freehold tenure John, (2012). The latter was associated with white ownership of land in many countries. State leasehold, if sufficiently long-term, was considered to provide adequate tenure security and economic incentives to households for land development, while at the same time allowing the state to maintain control of the landholding structure. To some, there were parallels to customary land tenure, with the state assuming the role of the chief, holding land in trust for its people and allocating it according to need. Sen, 1990 explains that experience with state leaseholds has been troubled, however. The problems do not stem from the necessary characteristics of a leasehold (since it is

possible to draft a lease which is virtually a freehold except in the most formal sense), but rather lie in the policies which are implemented through leasehold tenure. Ian et al. (2008) mentions that Land administration systems provide a country's infrastructure for implementation its land-related policies and land management strategies. Land in modern administration includes resources, the marine environment, buildings, and all things attached to and under the surface. Each country has its own system, The Kenya National Land Policy (Chap 3 P 29) indicates that the principal components of land administration are ascertaining and registration of land rights allocation and management of public land, facilitation of efficient transactions in land, maintenance of efficient and accurate land information system providing mechanisms for assessment of land resources for fiscal development and revenue collection and providing efficient and accessible mechanisms for resolving land disputes. USAID Kenya through a Publication on the analysis of the Kenya Land Policy 2009 indicates that the policy is a very substantial, comprehensive, and instructive document. It identifies problems frankly, and reflects a determination to confront and solve them. It usually points the general direction that needs to be taken to remedy those problems and, for the most part, the policy prescriptions are sound. Only occasionally does the policy provide a detailed action agenda for dealing with a problem, but given that the document is very comprehensive and covers a great many clusters of land issues, real depth in proposed solutions cannot be expected. It remains to be seen if it will be approved by government, but, in all likelihood, will provide the template for most discussion of land policy options in coming years.

The policy has however been criticised for being heavily agrarian. It focuses more on the mistakes of the past than the challenges of the future Winnie, (2003). This slights urban and peri urban areas and this is particularly true of the level of attention given to rapid urbanization and the needs for shelter it will pose. Looking at the experience worldwide, it is clear that the rapid urbanization touching most developing countries has only begun in Kenya, and that it will likely accelerate rapidly, reaching levels that Kenyans will find hard to imagine today. It is important to be clear on the relationship between population growth, land pressure, and rapid urbanization. On the best international evidence, urbanization will create rapidly rising demand for land and land prices in urban and peri-urban areas, and will create competition and conflict over land in those areas. Sorting out any confusion of land rights in such areas should receive real priority. At the same time, that inflow to urban areas will not slow down much the growing pressure on rural land. This is possible because such a large part of the country's population is still rural at this point in time.

2.3.1 Women and Land Tenure

The Kenya Land policy (2007) defines land tenure as the terms and conditions, under which rights to land and land-based resources are acquired, retained, used, disposed of, or transmitted Njuguna and Baya, (1999). The policy goes on to mention three categories of land: Public land which comprises all land that is not private land or community land and any other land declared to be public land by an Act of Parliament, Community Land which refers to land lawfully held, managed and used by a specific community as shall be defined in the Land Act. Families and individuals within the community are allocated rights to use the land in perpetuity, subject to effective utilization. The ultimate ownership vests in the community and lastly Private Land which refers to land lawfully held, managed and used by an individual or other entity under statutory tenure. Private land is derived from the Government Land Act (Cap 280), the Registration of Titles Act (RTA) (Cap 281), the Land Titles Act (LTA) (Cap 282), Registered Land Act (RLA) (Cap 300), Trust Land Act (Cap 288) and the Indian Transfer of Property Act (ITPA).

In discussing women's land rights, the first distinction drawn is usually that between societies practising matrilineal and patrilineal descent. In matrilineal systems, women, like men, had usufruct rights in land based on their position within their matrilineage. They could exercise these usufruct rights on non-marriage, during marriage, and upon divorce or widowhood. They could inherit land and pass it on to their children. Women could also maintain their independent activity and acquire property over which their husbands had no rights Bikaako and Ssenkumba, (2003).

According to Izumi (2007) in patrilineal societies, like most of the societies in Uganda, women's land rights are dependent on their relationship to a male, usually a father, husband, brother or son. In most cases, women did not inherit land on their own, and where they did, they inherited less land compared to their brothers. It is mainly through marriage that women acquire use rights in land, and husbands assign particular fields for cultivation and particular cattle to each of their wives. Besides producing for family needs, the women, in some instances, have the discretion to exchange or sell the surplus. Upon widowhood, women act as guardians or trustees for the minor children until a male heir becomes of age to take charge. Women with grown up sons are largely assured of cultivation rights, in contrast to childless women or women who bore only daughters, whose position is very precarious. In a

few societies where widow inheritance exists, the practice ensures continuing use rights for women in the fields they had cultivated during marriage. Refusal to marry the successor may mean cessation of use/cultivation rights. Use rights deteriorated under colonialism and its attendant commodity production. The biggest change in the content of land rights was the reduction in the larger lineage control of land and inheritance principles, which contracted to focus on the immediate and individual family. The role of law, both customary and statutory, was instrumental in reinforcing this change, and new property forms were introduced and recognised. But at the same time, customary law has resisted these new developments and some old property forms have survived. An example is the conceptual difference between a mortgage (a new property form) and a pledge (an old traditional concept). The latter is still upheld and it is held to be redeemable, notwithstanding the lapse of time. This is not the case with a mortgage. Holding on to such a concept as a pledge is an important way in which local communities have sought to hold their own against the influx of new usages and capitalist forms. At the same time, men and elders reformulated customary law in order to control women's sexuality.

To a large extent, women's land rights under customary law, especially for women in the rural areas, tend to be secondary rights, derived through their membership in households and lineages and secured primarily through marriage Mechthild, (2006). Such secondary rights of women tend to be very insecure since they are often not clearly defined or documented and also tend to be subject to change, are of uncertain duration and are often subject to the maintenance of good relations between the parties involved. The women have not been passive in the face of these changes, and have seized the social alternatives available. This partly explains the high rates of divorce and desertion; a resort to all independent income avenues in the informal sector; and outright refusal to enter into marriage.

The Food and Agriculture Organization of the United Nations, in a report on Women, Land Tenure and Food Security, (1995), notes that historically women's access to land was based on status within the family and involved right of use, not ownership. In Asia, the most prevalent barrier to acquiring real property is inheritance laws which favour male inheritance over female. If a woman inherits property, it is managed by her husband. Hindu women formally hold rights in property for life only; at death it reverts back to the male line. In Africa, custom rather than religious practice excludes women from ownership; property is held in a man's name and passed partrilineally with the group. A widow's right to remain on

the land is not secure. In Latin America, discrimination results more from limited status under the law. Women, for example, may reach majority age at 21, but still be required to be represented by their husbands in all legal capacities.

Land reform, legislative reform and the forces of modernization have had a mixed effect. Agrarian reform or resettlement programs use the "head of family" concept, usually a male, as the basis of land reallocation. Few have significant numbers of female beneficiaries or even pay attention to gender as a beneficiary category. New legislation on equality for women is more applicable to the urban-employed class than rural persons: agricultural land is even excluded in some new inheritance schemes. Statutory reform of customary law is confusing and open to interpretation; when customary. Religious or statutory systems coexist; the law least favourable to women is often selected. Traditional or customary systems that might have protected a woman's access to land during her lifetime are breaking down under population, economic and environmental pressures. Growing male rural to urban migration is leaving women as de facto heads of household without management authority over land resources. Even under resettlement schemes in irrigated areas. Women de facto heads of household rarely benefit (Birgirt and Elizabeth, 2008).

In some cases, however, women have gained better access to land through land reform, generally where the participation of rural women is a well-defined state policy. In some countries, agrarian reforms replaced the feudal system where women traditionally held a subordinate role in family production Mechthild, (2006). Women's organisations; in Thailand. China, Nicaragua, Malaysia and Cuba have helped to overcome existing barriers or to protect women's rights regarding inheritance of land. There are also many instances where women's organisations; have fought to gain access to land which they farm collectively. UN Women (2012) Drafters should realize that security of tenure may not require automatic titling and that, in fact, individual titling may not be the best way to protect women. In some situations, individual titles, as opposed to common, public or communal ownerships, may diminish a woman's current land use rights unless extra protections are implemented. Titling unregistered land could terminate other rights women hold over the property, drive up land prices and lead to expensive claims.

2.3.2 Women's Access to Land

Women farmers control the bulk of smallholder agriculture, which employs about 70% of the labour force. Women do 80% of the agricultural work and yet the majority of them have no legal rights to the same land Njuguna and Baya, (1999). While the written laws do not discriminate against women in matters dealing with rights in land, a number of customary laws and 10 traditions discriminate against women when it comes to inheritance rights to land. Under customary land law, women generally have inferior land rights relative to men, and their access to land is indirect and insecure. Traditional provisions which used to protect women's land use rights have been eroded over time. Women are usually given only the rights of use over landed property, which are not "absolute". This in effect denies them the freedom, for example, to later sell or mortgage property, which may have been acquired by both husband and wife during their married life. In the land adjudication process, for example, the land adjudication committees (which are predominantly male in membership), have largely continued to discriminate against women by allocating land to heads of households who are usually male.

2.3.3 International policy frameworks and institutions

Article 2 of the African Charter on Human and Peoples Rights clearly States that Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures. In this regard they shall: a) include in their national constitutions and other legislative instruments, if not already done, the principle of equality between women and men and ensure its effective application; b) enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women; c) integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities and in all other spheres of life; d) take corrective and positive action in those areas where discrimination against women in law and in fact continues to exist; e) support the local, national, regional and continental initiatives directed at eradicating all forms of discrimination against women (Elizabeth, 2011).

In their studies, Camilla and Julian, (2000) note that in the Beijing platform for Action,(1995) governments committed to the equal access of women and girls to economic resources, including land, credit, science, technology, vocational training, information, communication, and markets. It was noted that throughout the world, women are virtually absent from formulation of financial, monetary, business, tax, and employment policies. Women's share in the labour force continues to rise but women are concentrated in unremunerated and temporary work. Employment opportunities for women often have been limited to low pay and poor working conditions. When combined with inflexible working conditions, inadequate sharing of family responsibilities, and attitudinal obstacles, these factors restricts women's economic opportunities and economic autonomy. Women experience discrimination in education, training, hiring, promotion, and pay. Women migrant workers, including domestic workers, contribute to economies but experience higher levels of unemployment than men. Although women are active in the workplace, legal and customary barriers to ownership of land and capital impede women's economic progress. Women's unremunerated work in agriculture, food production, and community work is under-valued and under-recorded. Full visibility of the type, extent, and distribution of this unremunerated work will contribute to better sharing of responsibilities.

The necessity of providing access to land in order to facilitate the realization of human rights has been considered in several international principles and interpretive documents but no international right to land is explicit in the international legal framework. Moreover, the obligation of states towards individuals and land access has not been given adequate attention Elizabeth, (2011). However, a review of the international human rights framework as it stands makes clear that while not wholly defined, land rights are invoked in a number of key areas, suggesting that further consideration by the international community is necessary. Explicit rights to land have been developed in two key areas of international human rights law, the rights of indigenous people and the rights of women. Land access and use is frequently tied to the spiritual, cultural and social identities of peoples. As such, land rights have been more fully developed in the sphere of indigenous rights. Jeremy, (2006) notes that the Convention 169 on Indigenous and Tribal Peoples, which was adopted by the International Labour Organization in 1989 is legally binding on States Parties and the only binding international instrument related to the rights of indigenous peoples. The Convention establishes the right of indigenous peoples in independent countries to "exercise control, to the extent possible, over their own economic, social and cultural development," in a number

of areas. The Convention includes a section on land, and requires States Parties to identify lands traditionally occupied by indigenous peoples and guarantee ownership and protection rights. In essence, the “measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities.” The Convention also requires the provision of legal procedures to resolve land claims, establishes rights over natural resources, protects against forced removal, and establishes a right of return and compensation for lost land through either land (of at least equal quality and quantity) or money.

Land rights are also invoked in the international legal framework on women’s rights Anne and Hennette , (2013). The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) requires that State Parties “shall ensure women the right to equal treatment in land and agrarian reform as well as in land resettlement schemes CEDAW also provides that both spouses must enjoy the same rights in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property” in marriage. Equal rights to inherit, purchase, and dispose of property also promote women’s rights more generally. While land rights are not explicitly developed more fully in this Convention or elsewhere in the core human rights treaties, however, the human rights framework clearly dictates that human rights be applied non-discriminatorily and equally for all people.

2.3.4 Women’s Land and Property Rights in Kenya, Key Acts and Bills

Article 68(c) (iii) which provides that “Parliament shall enact legislation which shall regulate the recognition and protection of matrimonial property and in particular the matrimonial home during and on the termination of marriage” Izumi, (2007). The Matrimonial Causes Act (MCA) Under Section 28 of the MCA, after the pronouncement of a divorce, the court will make orders regarding the application of the settled property for the benefit of the parties and the children. This power shall be exercised even if there are no children. Kenya currently does not have its own legislation on matrimonial property. The MPB 2012 is yet to be debated in parliament. Article 45(3) of the constitutional provides for equality in at the time of the marriage, during the marriage and after the marriage. The principles adopted by the MPB include; Equality in marriage (Clause 3) n the capacity of either spouse in a marriage to acquire his or her own separate property during the subsistence of the marriage.

(Clause 4) n where a man has two or more wives, each wife shall enjoy equal rights, be subject to equal liabilities and have equal status in law. (Clause 5) n Interest of any person in any immovable or movable property acquired before a marriage shall not be affected by the marriage(Clause 6) Some important facts on women's participation in land use and ownership are as follows;1. Even through the estimated ratio of women to men is 1:1, only 5% of land title deeds in Kenya are held by women jointly with men. 2. Only 1 percent of land titles in Kenya are held by women alone.3. 89 percent of subsistence farming labour force is provided by women 4. 70 percent of labour in cash crop labour production is provided by women.5. About 32 percent of households are headed by women. The law of Succession Act seeks to give both men and women equal rights in matters of succession. However, it contains several discriminatory provisions. This law governs both successions with a will (testate) or without a will (intestate).

2.4 Social-Economic Impacts and Women Land Ownership

Studies by Amanda, (2007) indicate that Women have been active in wage labour, subsistence farming and informal sector. However, legal and customary barriers to ownership of and access to land, use of natural resources, access to capital and credit, compounded with lack of opportunities, resources, training and skills, access to and use of technology, as well as wage differentials, all stand in the way of women's economic progress. That is why most jobs created in the manufacturing sector, which is a major wage payer, are for male workers. For example, in 2003, 199,600 male workers were employed in the manufacturing sector compared to 42,100 women. Gender is arguably the most fundamental feature that underpins the organization of societies, and gender-based discrimination the most prevalent form of disadvantage. Although there is growing recognition that gender inequality blocks sustainable development, this has still not translated into meaningful improvements for women. Men and women's, girls' and boys' experiences of poverty differ in important ways!– understanding this is important for tackling the greater levels of deprivation and vulnerability that girls and women routinely face, and for tackling poverty more broadly.

Women's land rights are particularly crucial, as secure access to land and other natural resources is a basis for sustainable livelihoods and a key factor in assuring food security. It also contributes to the identity, dignity and social inclusion of the poorest and most

vulnerable groups, whose property rights are very often informal and unprotected by the rule of law Janet, Lashawn and Jefferson, (2003). Even where poor women and men enjoy formally recognized tenure rights, other factors may effectively exclude them from formal administrative and legal services by other factors. The ability to access land and to claim, use, and defend land and other natural resource tenure rights – of individuals and groups – is contingent on processes of empowerment. Women face additional hurdles to empowerment, ranging from their status within the household and community to their status under customary and/or statutory law. While many countries make reference to gender equality in their constitutions, laws relating to property rights often do not give equal status to women, or, where they do, women's property rights may not be respected in practice. Even when women have *de jure* property rights, their *de facto* control of land is tenuous, a fact which was noted, for example, in a set of country studies on women's access to land undertaken by IDRC in Eastern and Southern Africa in 2006. Frequently, women access land through male relatives only, and not in their own right. Generally speaking, women have fewer benefits and protections under legal systems than men and are excluded from decision-making, leading to a violation of their human rights.

2.4.1 Implications of Rural Women land Ownership on improved food Security

Women's land ownership increases their power to make decisions within a household. Women's lack of ownership and control of property creates dependency on men, reducing women's fall-back position, and leaving them vulnerable in situations of marital abuse or breakdown. Improving women's agricultural knowledge could help increase livelihood security at the household level. Women know how to carry out many agricultural tasks. Supporting women's access and improving their agricultural knowledge could contribute towards household livelihood security if the household owns or has access to land. Cheryl, Jemimah, Emily and Maureem, (2014) mention that researchers and policy makers increasingly recognize the important links that exist between women's property rights household decisions making and empowerment. If you increase a woman's property rights you increase her bargaining power within the household which can boost the productivity of that household and will also increase the woman's overall empowerment. Decisions in this case revolve around four main activities; growing crops primarily for household food consumption, cash crop farming, taking products to the market and purchasing inputs for agricultural production.

When women have secure rights, they enjoy enhanced intra-household bargaining and decision-making power. This allows them to exert greater influence over household income and expenditures, in a manner that typically reduces household poverty and benefits their children Elizabeth, (2011). Studies have shown a compelling link between secure land rights for women and household welfare: Women with land rights contribute a greater proportion of income to the household, exercise greater control over agricultural income, and are more likely to receive credit. Women who own land are more likely to have the final say in household decisions. The odds that a child is severely underweight are reduced by half if the mother owns land. When women own a larger share of the household's farm land, families allocate a larger proportion of their household budget to food. When women in the household have land rights, children have higher levels of educational attainment.

Studies by Amanda, (2007) indicate that the link between secure rights to land and household food and nutrition security is more pronounced when women have secure land and property rights. With secure rights, women gain improved status and have greater influence over household decisions. Studies show that this can translate into improved nutrition for women and their children. Women who own land have better access to credit which will help them to cope better with shocks and hopefully capitalize more on the assets they do have. One reason why women produce less than men is that they have less money to invest in their farms. They have less access to credit because their lack of land tenure means they have little to offer as collateral for loans. Micro-financing programmes have proved they can be very effective in overcoming this constraint. Women and men having equal rights to enter into financial contracts is a crucial first step. Secure land rights are a building block for agricultural productivity and the social and economic empowerment of rural households. Smallholder farmers with secure land rights have greater incentive to make productivity-enhancing investments because they can be more confident in recouping those investments over the medium and long term. Secure rights to land can thus confer economic benefits. Land serves as a source of income through agricultural production and sale, and can serve as collateral for credit. But land represents much more. The nature of a rural household's rights to land also largely defines access to opportunity, housing, and food and nutrition security, as well as the ability to realize empowerment, social status within the community and political power.

In the study by (Cema, Dorothy, Henlyn, Mosiakaka, Aino and Margaret, (1986) there are numerous ways in which women's access and ownership of land can be increased in order to improve livelihoods security and strengthen women's ability to make their own decisions. This is not to suggest that ownership of land in particular (as opposed to livestock) is always beneficial for women. Indeed where women do inherit land before marriage, for example, they are likely to have even less choice over who to marry since relatives may wish to keep the land inside the family and they will therefore be married to a relative. Anecdotal evidence also suggests that unmarried female landowners may sometimes fall prey to commanders. Nevertheless in the majority of cases, increased access to land and livestock would benefit the livelihoods of rural women. United Nation agencies highlight that in developing regions, food security is often dependent on women's subsistence production to feed the population.³⁷ Women also have an important role in establishing sustainable use of resources in small-scale fishing communities, and their knowledge is valuable for managing and protecting watersheds and wetlands. The Food and Agriculture Organization estimates that if women had the same access to productive resources as men, they could increase yields on their farms by 20–30 percent. The gains in agricultural production could lift some 100–150 million people out of hunger. Yet, these estimates are based on the existing distribution of land. If women had even greater access to land the global benefits could be even greater. The United Nations Educational, Scientific and Cultural Organization (UNESCO) highlights that women's participation in world food production is in extreme contrast with their ownership of the land.

If women had the same access to those resources as men, they would produce 20-30 percent more food and their families would enjoy better health, nutrition and education. If women had equal access to agricultural resources and services, food security would be greatly improved and societies would grow richer, and not only in economic terms Mackenzie, (1993). Today, if men and women had equal access to productive resources in agriculture, food output in developing countries would increase by between 2.5 and four percent – enough to pull 100-150 million people out of hunger and help achieve Millennium Development Goal One on hunger and poverty reduction. What do you mean you concur? This should be Lit review not your opinions did you see this?

2.4.2 Women's Role in sustainable land management

Land degradation which affects more than 900 million people worldwide and as much as two-thirds of the world's agricultural land, has important gender dimensions Neeraja, Kamal, Elisabeth, Maryam and Fuller. In many developing countries, women – as farmers and pastoralists, with primary responsibility for household food production – are the principal users and managers of land. However, within productive landscapes, women are often allotted the most marginal lands with the least secure tenure rights. When land becomes so degraded that it no longer supports crops or pasture, women are forced to find alternative areas for food production. This expansion not only exacerbates agricultural land conversion and degradation of land resources; it also adds to the pressure on women farmers, who may face higher risks to their health and physical safety as they are compelled to venture further and further away from their homes to find productive land to meet their families' needs.

Women also tend to be disproportionately burdened by the indirect effects of land degradation. For instance, when water resources are damaged by high levels of silt in river waters (a typical side-effect of increased soil erosion from degraded land), women and girls are often more severely affected, as they are usually responsible for fetching water to meet household needs. Majority of poor women in the rural areas of developing countries, through farm and off-farm paid and subsistence production, are key contributors to the economic support of their households, Rekha, (1995) In Africa, it is estimated that 96 percent of rural women engage in farm work and 40 percent of small farms are estimated to be managed by women. In south and Southeast Asia, at least 70 percent of the female labor force is employed in agriculture Jacobson, (1992). Women's earnings represent a significant share of total household income, particularly in the poorest households and the growing number of households that are headed by women.

Women's earnings are believed to contribute much more directly to family welfare than is men's income. Some studies have shown that more of women's income goes directly to food and children's education Caroline, (1995). With restricted access to land, however, women are seriously disadvantaged in providing for themselves and their families and in contributing to economic growth and development. Lack of access to land and insecure rights in land lower women's productivity and, in conjunction with factors such as low education and lack of mobility, limit their employment options and confine them to eking out their livelihoods as

best they can, sometimes on lands that are extremely marginal for cultivation. Because women's access to complementary resources such as credit, improved technologies, and extension services are limited, their ability to increase investment in the productivity and quality of their land is limited. Their productivity and conservation ability are, therefore, doubly constrained by lack of incentives and by lack of resources. Women work two thirds of the world's working hours and produce more than half of the world's food; but they only earn 10% of the world's income, they are famished and their voices remain unheard. Lack of education or resources does not equal lack of intelligence. Women play a critical role as the main nurturers, farmers and educators in the world's most remote and vulnerable settings.

In order to achieve women's empowerment and improve their food and nutrition security, there is a need for strong partnerships and harmonized strategies that are gender-sensitive; a clear definition of priorities at all levels (moving from policy to action); availability of resources; replication of best practices; robust capacity development harnessing indigenous systems; and more advocacy for gender issues in food nutrition Camilla and Julian, (2000). Most solutions to the nutrition and food security challenges already exist. Immediate action is needed, as women can no longer wait. Empowering rural women through agriculture and employment Eve Crowley, Deputy Director, Gender, Equity and Rural Employment Division, Food and Agriculture Organization of the United Nations, presented the findings from the 2010-2011 report on The State of Food and Agriculture. The agricultural sector is underperforming because of gender inequalities in the distribution of resources for agricultural development. Closing the gender gap or providing women with the necessary resources and opportunities to increase their productivity could lead to growth in agricultural output (from 2.5 to 4 per cent at the national level); food security gains (12 to 17 per cent reduction in the number of hungry – 100 to 150 million people lifted out of hunger); and, broader economic and social gains (better health, nutrition, and education outcomes for future generations). Good agricultural policy must therefore consider gender differences, ensure equality for women under the law and provide public services and technologies to free up women's time.

The United Nations (UN) Food and Agriculture Organization (FAO), studies show that women produce fifty per cent of the world's agricultural output, but own approximately two per cent of its land Leckie, (2009). Evidence shows that smallholder farmers with secure land and property rights have greater incentive to make productivity-enhancing investments

because they have greater confidence that they can recoup their investments over the medium and long term. Secure rights also provide improved opportunities for families to access financial services, and sometimes are prerequisites to access government programs and assistance. As FAO and numerous studies have shown, secure rights to land and property for women thus can lead to increased agricultural productivity and production. Increased agricultural productivity and production can enhance household food security and nutrition directly through increased food production as well as indirectly, through increased incomes. In both ways, secure rights to land for women help moderate the impact of food price volatility and other shocks on poor households.

Food insecurity is primarily a problem of low household incomes and poverty, and not just inadequate food production, projects and programs for food insecure African farmers which aim at increasing production of subsistence crops may be ineffective Gladwin, Thompson, Peterson and Anderson, (2001). Instead, government should look for ways to improve returns to farmers' resources in a broader context, which may include expanded opportunities for non-farm microenterprises and agricultural labour. This has been the conventional wisdom since the writings of Sen, (1990). Still unclear, however, are the implications of his thinking for the roles of African women farmers who are traditionally the food-crop producers in Africa and are often food insecure. Immediate expansion of income-earning activities such as cash cropping and non-farm microenterprises may not be possible for women in male headed households in many African societies where cash income is seen as part of the male domain. In addition, women farmers may need a long adjustment period to diversify their income sources fully because most African countries are at the early stages of structural transformation. Different developmental interventions, both in policy and in technology, are therefore needed to address food security and economic transformations in Africa in the short and long term

From the above analysis it is therefore prudent that the contributions of women and men be considered as being of equal importance. There should be active involvement of women in the management and decision making process. Environmental education should ensure that there is as establishment of a dialogue of knowledge between women and men. The state as well as private players should also account for gender differences so that the role of women becomes more visible.

2.5 Culture and women land Ownership

Overall, women's land rights in Kenya are limited. The extent of these rights is determined by the interplay of customary and statutory law. Customary rules are invoked by women to challenge registration benefiting exclusively men, and by men to limit the rights acquired by women under statutory succession law Mackenzie, (1993) Water rights are linked to land tenure. Under section 27(a) of the Registered Land Act, registration vests in the titleholder not only "absolute ownership of the land", but also "rights appurtenant thereto", including water rights. Under the Water Act, water ownership is vested in the state, and individuals can only have usufruct rights obtainable through a permit issued by the competent ministry. However, it is usually landowners that apply for permits for irrigation purposes, and some domestic uses by riparian landowners do not require a permit. Therefore, the gender-biased land distribution entails unequal water rights Torori, Mumma and Juma, (1996) The FAO has recognized that, globally, "Gender inequalities in land rights are pervasive. Not only do women have lower access to land than men. They are often also restricted to so-called secondary land rights, meaning that they hold these rights through male family members. Women thus risk losing entitlements in case of divorce, widowhood or their husband's migration. Evidence also shows that women's land parcels are generally of smaller size and lower quality" than men's. Single women or those whose marriages are not formally recognized also typically have more tenuous rights to land. While women's land and property rights are vital to development, the reality remains that in many parts of the world these rights are often not shared equally between men and women, and are routinely violated, denied, and given insufficient protection and enforcement.

The obstacles which prevent women from effectively enjoying these rights equally with men are complex, and at times context specific. They range from inadequate legal standards and implementation of laws, to discriminatory social norms, attitudes, and programs at the national, regional and local levels which taken together result in wide discrepancies in practice between development outcomes for men and women Caroline, (1995). In many countries, the result of gender biased statutory laws, customary law, traditions, and social norms and attitudes is that women cannot or do not use access, control, own, rent, lease, or inherit land and property without consent from a man. This results in a form of social exclusion which constrains a woman's ability to participate fully and equally with men in their homes and their communities. Certainly, secure rights to critical resources are connected

to 6 broader social concerns of power, status, personal autonomy, and economic independence. These issues are in turn related to patterns of gender discrimination in education, work, income, family responsibilities, and participation in decision-making processes at all levels; a cyclical pattern of discrimination which exists in both developing and developed countries.

Women's exclusion from formal and customary systems of property inheritance has received increasing attention over the past few years. Because property inheritance is fundamental to how wealth is transferred within a society, it directly relates to the protection of a woman's economic livelihood and long-term security. This issue is especially vital because it addresses some of the systemic reasons for women's disproportionately high levels of poverty around the world and disproportionately insecure land and property rights Kelly, (1979). Some formal laws do not recognize equal inheritance for women and men and for daughters and sons. Moreover, in many systems of customary law, primary property rights are allocated to the males in the household, and widows are not permitted to inherit those rights from their deceased husbands. Protections for women which may have existed traditionally are eroding as land pressures increase. For instance, widows may have traditionally retained the right to use matrimonial land and remain in the matrimonial home until her death, remarriage, or while her children are unmarried. Over the past several decades however, widows, particularly those who are younger, have found themselves especially vulnerable to their in-laws taking the land, leaving them landless and homeless.'

Studies by Hay, (1982) indicate that in many parts of Africa where customary systems predominate, men control household land (and the house which sits on that land). Community authorities, who are predominantly male, generally allocate land to male household heads for use with their households. These rights to land are then most commonly passed down to male heirs. And because most women move to their husband's home at the time of marriage, this means that for many women, access to land and property is entirely dependent on a relationship to male relatives (usually husbands and fathers). A husband may be obliged to provide arable land to his wife to farm, but he has ultimate authority to decide which piece of land the woman can use, for what purposes, under what conditions, for how long, and what she can do with the proceeds from that land. It also means that if their relationship breaks down, she must rely on his family's goodwill (which is often tenuous) or return to her

father's/birth family's land (which is often not possible) to continue to provide for herself and her children.

Culture and customs continue to support male inheritance of family land. The lack of gender-sensitive family laws has created a conflict between constitutional provisions on gender equality vis-à-vis customary practices that discriminate against women in relation to land ownership. Although the Law of Succession Act provides for wives, and all children, including daughters to inherit property and titles, specific socio-cultural factors hinder them from enjoying this right Cema et al (1986). Often, women have been forced to surrender their titles to male relatives, relinquish their inheritance rights or sell land cheaply as a result of social pressure.

Moreover, international conventions of women's human Rights dealing with property, which have been ratified by the Kenya Government, have not been translated into policies or laws.

When it comes to land inheritance, women are regarded as neither belonging to the homes where they were born nor to where they are married. Women's access rights to use land are also associated with their relationship to men -- as mothers, wives, sisters or daughters. Again, women's rights to land continue to be determined by their marital status, and by laws of male inheritance, succession and divorce. The draft national land policy recognizes that gender, equity principles and the impact of HIV/Aids pandemic on agricultural production and access to land rights as special areas requiring concerted effort. Generally, title deeds are given in the name of the head of the family or group representative, whereby by such heads or representatives are often men. The problem is that titled land is being transferred almost exclusively to male individuals -- as husbands, grandfathers, fathers or sons, without provision for how women's rights are to be defined and determined. Fathers continue to transfer land to sons only Gaber, (2013).

Adjudication and land titling is being conducted in favor of the already established patterns, thereby denying women their share in family land. The positive aspect of the customary norms which ensured women's rights of access to land and inheritance, as well as security of tenure over family or community land, are not recognized in the title deeds. Despite the law allowing anybody to own land regardless of sex, only 5 per cent of women in Kenya own land registered in their own names. A large number of women have limited economic resources and also lack decision-making power at the household level to buy land independent of their spouses. Although the Law of Succession Act provides for wives, and all

children, including daughters to inherit property and titles, specific socio-cultural factors hinder them from enjoying this right. Often, women have been forced to surrender their titles to male relatives, relinquish their inheritance rights or sell land cheaply as a result of social pressure. There is no law that governs property belonging to a married couple. Most of the time, matrimonial property, including land, is registered in the male spouse's name. Problems arise upon death, divorce or separation Meesters, (2007).

On the other hand, land distributions to the landless and re-settlement schemes are often biased towards male heads of households and invariably the registered leaseholders are men. This leaves women particularly disadvantaged in the event of widowhood, divorce or polygamous unions.

Upon divorce, women lose access to re-settlement land, as they are the ones who get evicted and not the man. Again, women are not sufficiently represented in institutions that deal with land -- land boards or tribunals are generally dominated by men and women's representation remains limited Cheryl et al, (2014). Besides the open discrimination women face, they also have to shoulder the extra burden of HIV/Aids. HIV/Aids in Kenya is not just a major public health problem and development challenge but is increasingly creating severe negative socio-economic effects. The realization that Kenya was losing 500 people daily to HIV/Aids led the Government to declare HIV/Aids a National Disaster. More than a million people have developed Aids and died since 1984, leaving behind close to one million orphans. The increased vulnerability of women to HIV/Aids in Kenya is further worsened by unequal inheritance rights to land.

Discriminatory property and inheritance practices compromise women's ability to fall back on coping options -- particularly in Aids-affected rural households. This has severe repercussions for women and economic security of the household. Title deeds issued in the name of male heads of households, leave women without secure tenure in case of divorce or death of a husband. Poverty breeds powerlessness -- the inability to control one's life. Often, women are forced to endure an abusive relationship to safeguard their access to land through their husband, rather than seeking a divorce and with narrow coping livelihood strategies available to them. They may compensate by undertaking risky livelihood measures such as engaging in unsafe sex. When husbands die, many women find themselves dispossessed of the home and land since the rights to certain assets, including agricultural tools, livestock and property tenancy and ownership, are vested in men. Jeremy, (2006) notes that in most cases,

widows are disadvantaged because they do not have any property - the land and property is often grabbed by in-laws under the guise of custom. Such practices, commonly experienced by survivors of Aids, have left affected households destitute and more vulnerable to further consequences. In certain communities, a widow could also lose her husband's property if she does not marry his male relatives, a practice referred to as "wife inheritance". Many customary tenure systems provide little dependent security of tenure to women on the death of their husband, with land often falling back to the husband's lineage. Inheritance laws and customs also influence women's economic status and even their choice of formal or informal unions. Inheritance practices have taken on a new importance for the increasing number of women whose husbands have died of Aids, and for their orphaned children in cases where the latter were not entitled to inheritance. The result is that women's inferior economic and social status directly increases their vulnerability to HIV, and limits their ability to control their sex lives and protect themselves. Sen, (1990). They also bear a greater share of the burden of caring for the sick. And when, they themselves fall ill, they face more problems than men. Women affected by Aids are more likely to have to return to their families or place of origin for terminal care, while men are likely to be cared for in their own home. A man continues to be the head of the household till his death, while women are likely to be cared for in their natal home. Since women's rights to land and property are secured through marriage and if that ends through abandonment, divorce or death, a woman's right to land or home may also cease. Beyond these practices, women's options for legal recourse are limited by legal land administrative systems that are frequently inaccessible, backlogged, and corrupt. Practically, poor and illiterate women who have no resources cannot appeal for help through the legal system. These hardships are compounded in the case of women living with HIV/Aids.

The stigma and discrimination associated with Aids can have a devastating impact to women and their families. When women are rejected by their families because of their HIV status, or widowed because of Aids, they risk losing all claims to family assets, particularly in countries where traditional legal systems are in place Birgirt and Elizabeth, (2008). The relatives of a deceased spouse may claim inheritance rights, leaving widows and orphans vulnerable to destitution. Protecting women's equal status through legal reform can mitigate the negative consequences of Aids experienced by women and their dependents. Reforms such as upholding female property and inheritance rights can actually reduce the spread of HIV by promoting women's economic security and empowerment and reducing their vulnerability to domestic violence, unsafe sex and other Aids-related risk factors. According to a Human

Rights Report by Georgetown Law University Centre, (2009) Kenyan women are effectively foreclosed from owning land because men own as “absolute proprietors” the overwhelming majority of registered land in Kenya. This absolute sole ownership violates women’s rights to property, housing, and access to credit. Under the Registered Land Act, the first person to register title to a portion of land retains “absolute ownership of that land together with all rights and privileges belonging or appurtenant thereto,” free from any other interest or claim. Married women face particular hardships in violation of the right to equality in marriage because they effectively cannot own matrimonial property or exercise any control over its transfer, sale, or subdivision. To remedy these violations, Kenya should enact legislation requiring spousal consent for land transactions, requiring spouses to register land jointly, providing incentives for joint registration, and recognizing and protecting women’s rights to land that are less than ownership, such as occupancy, use, and access rights.

2.6 Theoretical Framework

The researcher adopted **Karl Max theory on Social change** which is a theory in proposed by Karl Max (1973) in his book Karl Max on society and social change: The Heritage of sociology. According to the social change theory, all parts or elements of a society are changing, but at different paces. Some are changing more rapidly than others. This change is gradual and never complete or total. As indicated this study, the change in family structures has led to female headed households existing side by side with the male headed households. Certain structures however cannot die out completely, for instance poverty, religion, ignorance, traditions, extended family, lack of resources and prejudice. The persistence of such elements of culture have been found out in the study to have hindered women from owning property. Property rights are important in promoting prosperity. Insecure property rights weaken the incentives for owners to make long-term capital investments and hinder the ability of owners to use their property as collateral to secure loans to finance capital investment. Without access to credit and investments in the future, capital formation and economic growth are hindered. To achieve secure property rights, a country must incorporate the informal, unarticulated rights into a written, formal, legal property rights system. To do so, an integrated system of standard legal titles is necessary. Informal property rights should be codified through a written legal system of property titles as the way to establish secure property rights. Thus, land titling is a mechanism through which property rights can be achieved.

2.7 Conceptual Framework

The conceptual framework depicts the factors that influence women land ownership as the independent variables and the dependent variable being Women land ownership. It goes further to outline the moderating variables on the key variables under study. Figure 2.1 illustrates the conceptual framework for the proposed research.

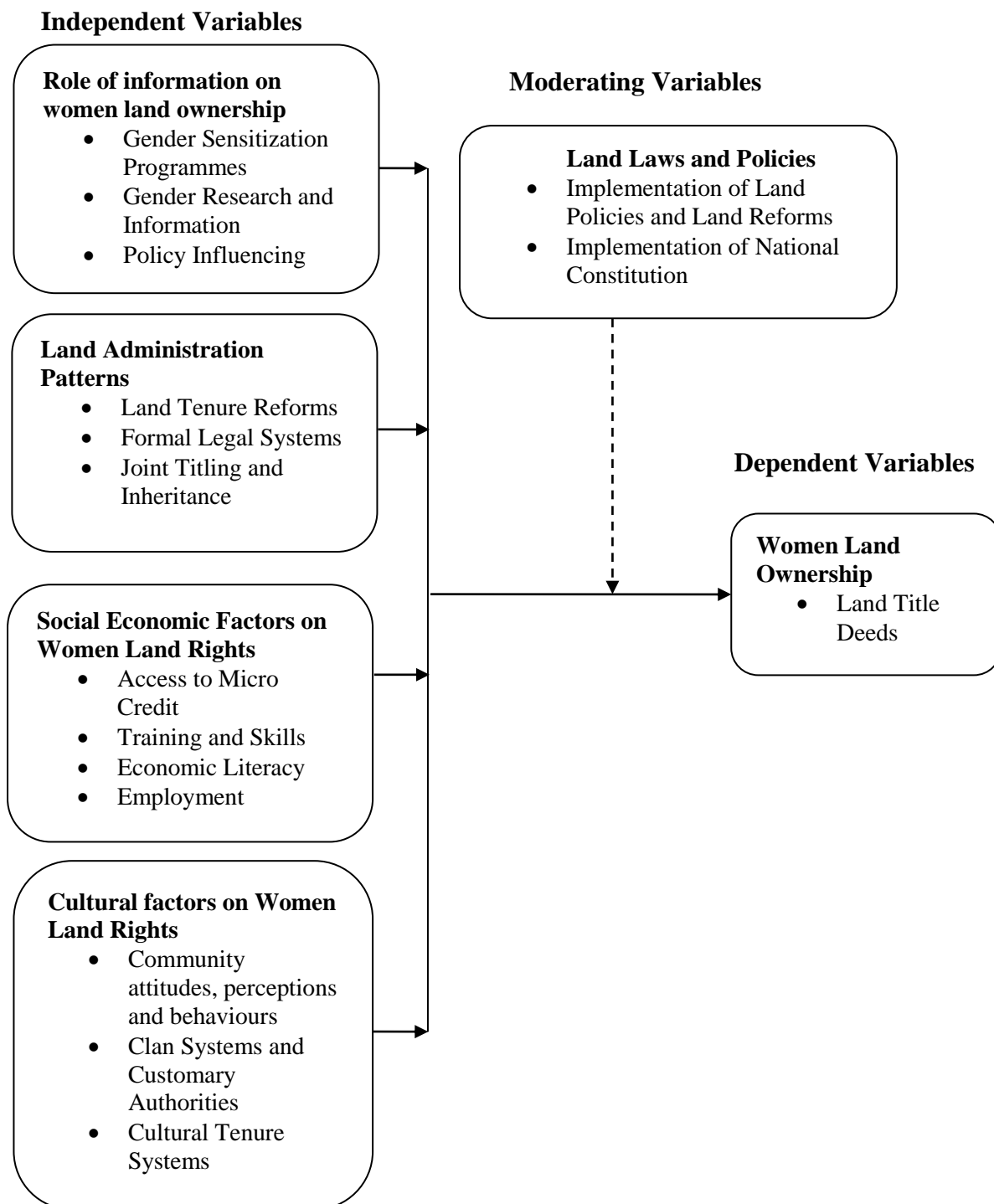


Figure 2.1: Conceptual framework

This study will make use of various variables. The dependent variable in this study will be women land ownership as it is affected by four key factors including role of information on women land ownership, Land administration patterns, social economic factors and cultural factors. Further, there are moderating variables that include Implementation of Land Policies and Land Reform as well as Implementation of the National Constitution, that are critical in shaping women land ownership in Kenya.

According to David, (2010) independent variables are those that are manipulated by the experimenter while dependent variables are those that are not under the experiment's control. The Conceptual framework is developed from a simple relationship between realization of women's land rights as the dependent variable and the role of Civil Society Organizations, land administration patterns the social economic impacts of women land rights and the role of culture as the independent variables. In addition, there are moderating factors such as land laws and policies. All these are important in unveiling factors promoting the facilitation of women land rights.

2.8 Study Gaps

Most research undertaken and reported in Women Land Rights focused on the land laws and policies as the sole means to realize women land rights. A research by Mwagae, (2013) focused on factors hindering realization of women land rights in Kakamega County, Kenya. Gaber, (2013) has explored Women Land Rights and Tenure Security. Hemingway, (2009) has discussed the Tension between women land ownership and culture in Kilimanjaro. Not much has been written about factors that facilitate women to own land. There is thus a need to study factors that continue to promote women land rights in Kenya. This research coupled with secondary data may help in adding knowledge base on women land rights focusing on the factors that promote realization of the same.

2.9 Summary of Literature review

The above literature reviewed clearly points out factors that promote the realization of women land rights. Some of the factors include the roles that CSOs play in educating and sensitizing communities on the need to uphold women land rights as key to realizing the development agenda in Kenya. The study has also cited reforms in land administration patterns as key to promoting women land ownership. The social economic impacts of women

land ownership have also been emphasised hence the need to agitate for women to own land moving forward. Finally, culture plays a critical role in promoting women land rights. This is pegged on the change of attitude among communities that women are equal members of society and land, like any other property owned by men can go a long way in improving livelihoods in communities.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter describes the research methodology that was used in terms of the research design, target population, data collection methods to be used, the sampling method, data collection instruments, validity, reliability and ethical considerations.

3.2 Research Design

The research design used in this study was descriptive survey. The descriptive research design enabled the researcher to probe and obtain an in-depth understanding of the subject. The research design was appropriate as detailed analysis of particular issues were required, Schoenher, (2007). Chaffey, (2004) descriptive survey design describes the existing conditions and attitudes. The research describes existing situations in the selected study area, analyses major issues and forwards sound recommendations. Recommendations will address significant gender issues that could add to the principle of knowledge in the field of gender studies. For this research undertaking the research design was exploratory in nature rather than explanatory. Use of both quantitative and qualitative research methods to gather a broad range of information from various sources and for triangulation purpose was central in this process.

3.3 Target Population

According to KNBS Housing and Population census of 2009; the Khwisero Constituency covers an estimated area of 145.6 Km² with a population of 102,635 people (48,413 men and 54,222 Female). Women population accounts for 54% of the entire population.

For this study the target population consisted 46,390 residents drawn from Kisa East, Kisa South and Kisa Central.

3.4 Sample Size and Sampling Procedure

The sample was drawn from Kisa East, Kisa South and Kisa Central locations and focused on local Constituency administration, opinion leaders and leadership from Women groups.

3.4.1 Sample Size

In calculating the sample size the researcher will use the Yamane (1967:886) formula as follows:

$$n = \frac{N}{1 + N(e)^2}$$

Where **n** is the sample size, **N** is the Household size and **e** is the level of precision.

$$n = \frac{46,390}{1 + 46,390(0.05)^2} = 396$$

A sample of 396 Households was selected for the survey.

3.4.2 Sampling Procedure

Population for quantitative data collection for this study were from rural households in the three locations of Kisa East, Central and South with a population of 13803, 21065 and 11522 respectively. Total population is 46390.

Sample size for each location was calculated using proportion of number of households in each location (Kisa Central 21065, Kisa East 13803 and Kisa South 11522) to the total number of households of the three locations (46,390).

Table 3.1 : Distribution of the sample per Location

Location	Household size	Ratio	Sample size
Kisa Central	21065	21065x396/46390	180
Kisa East	13803	13803x396/46390	118
Kisa South	11522	11522x396/46390	98
Totals	46390		396

Out of the 46,390 households, a sample of 396 was targeted through stratified random sampling after creating strata based on location and this allowed an all-inclusive representation of different sub groups in the sample (Mugenda and Mugenda, 2003). The study targeted to collect data from different clusters of the households. The population was

divided into sub groups that were more homogenous individually. From each stratum, a proportional sample was drawn randomly.

3.5 Data collection instruments

A structured questionnaire was administered by the researcher through trained enumerators to gather primary quantitative and qualitative data. A questionnaire is a formalized set of questions for obtaining information from respondents. The overriding objective was to translate the researcher’s information needs into a set of specific questions that respondents were willing and able to answer. Malhotra and Rowe, (2003) Key informants were selected based on the standard protocols for a qualitative research setting, i.e. experts on women’s land rights in Kenya. Key informants should occupy roles that make them knowledgeable about the issues being researched and be able and willing to communicate with the researcher George and Torger, (1982). A key informant is an expert source of information. The study used in-depth interviews with key informants to get an understanding of the topic being studied Marshall, (1996). A focus group discussion targeting three women groups was also conducted. The Likert scale was preferred as it was able to deal with a large number of items and difficulties in eliciting specific information from the respondent (Singh, 2006).

Table 3.2: Instrument, respondent and information required

No.	Methods	Data Collection Instrument	Nature of Sample	Sample Size
1	Quantitative	Survey Questionnaire	Households From the three Sub-locations	396
2	Qualitative	Interview Questions	Civil Society Organizations and stakeholders working in Kakamega County	4
3	Qualitative	Focus Group Discussion Guides	Rural Women	3 Women Groups
4	Qualitative	Interview questions	Local Chief Representative lands office	1 from 1

3.5.1 Pilot Testing of the Research Instrument

The questionnaire was pre-tested to determine its validity. It was piloted among key informants from various stakeholders in Kakamega and households within Butere Sub-Location. A pre-test was conducted before actual data collection using small representative sample to find out whether the questions are measuring what was intended to be measured. Clarity of Wordings in view of respondents' level of understanding was checked on the pre-test to avoid research bias. Insights were obtained from the pilot survey and were analysed and used to make adjustments on the questionnaire items.

3.5.2 Validity of the research instrument

Validity in research refers to how accurately a study answers the study question or the strength of the study conclusions. For outcome measures such as surveys or tests, validity refers to the *accuracy* of measurement. (Gali, 2011). Here validity refers to how well the assessment tool actually measures the underlying outcome of interest. Validity is not a property of the tool itself, but rather of the interpretation or specific purpose of the assessment tool with particular settings and learners. Validity of the instrument was used to measure the degree to which the items represented specific areas covered by the study.

The key indicators of the quality of a measuring instrument are the reliability and validity of the measures. The process of developing and validating an instrument is in large part focused on reducing error in the measurement process Kimberlin, (2008). Validity is the extent to which the interpretations of the results of a test are warranted, which depends on the particular use the test is intended to serve. Validity of the instrument was determined by experts in the field of research who looked at the measuring technique and coverage of objectives covered by the study. The questionnaire was given to professionals in the field of research, including my supervisor, to critique it and to give suggestion on the necessary areas to change in order to establish the validity of the instrument. The corrections on the identified questions were there after incorporated in the instrument to ensure validity of the research instruments. Validity was ascertained by checking whether the questions were measuring what they were supposed to measure such as the: clarity of the wording and whether the respondents were interpreting all the questions in a similar way, Singh, P. J, S.A., (2006) Validity was therefore established by the researcher by revealing areas causing confusion and

ambiguity and this led to reshaping of the questions to be more understandable by the respondents and to gather uniform responses across various respondents.

3.5.3 Reliability of the research instrument

Reliability is a measure of degree to which a research instrument will give consistent data on repeated trials (Mugenda & Mugenda, 2003). The split half method was used to establish reliability of the instruments. The split-half technique was used to test the reliability of the instrument.

The split half reliability artificially divides test into two halves and correlates the individual scores on the two halves. The Researcher administered the test to a group of target women and later divided the items into two halves using odd and even numbers. Scores for each individual on the two halves were obtained and coefficient correlation calculated using SPSS version 21. To transform the split half correlation into an appropriate score reliability estimate for the entire test, the Spearman–Brown Prophecy Formula was employed;

$$r_{xx} = \frac{2r_{\frac{11}{22}}}{1 + r_{\frac{11}{22}}}$$

Where,

r_{xx} = estimated score reliability of the entire test

$r_{\frac{11}{22}}$ = Pearson r correlation between two halves

A reliability coefficient of 0.78 was obtained. According to Kumar (2009), a minimum correlation coefficient of 0.65 is recommended

3.6 Data collection procedure

The study utilized primary data collection using questionnaires. Questionnaires were administered and followed up closely by the researcher who ensured that the study objectives were met. The respondents were given mutually accepted time limit to submit the questionnaires after completion. The phrases used in questionnaires were simple to be well understood by all respondents. The researcher also held focus group discussion with three women groups. The focus group discussion guide had guiding follow-up questions that gently

invited the participants to provide specific responses. It was also used to ensure that the discussions did not go to the extreme outside the topic of discussion.

3.7 Data Analysis Techniques

Field data was analysed using descriptive statistics. The questionnaire items were coded according to each variable of the study to ensure that the margin of error was minimized and to ensure accuracy during the analysis. According to (Neuman, 2000) coding is the process of organizing the material into ‘chunks’ before bringing meaning to those ‘chunks’. Data coding was done by allocating different responses falling in the ordinal and nominal scale dummy numeric values that could be computed by Statistical Package for Social Scientists software. Data cleaning was done whereby the data was finally checked for accuracy and completeness. The keyed in data was subjected to SPSS analysis and the data was presented in terms of percentages and frequencies. This was then presented in table format.

3.8 Ethical Considerations

To ensure that the research is done in an ethical manner according to the expectations of the authorities, the researcher informed the respondents that the instruments being administered are for academic purposes and that the respondent’s identity shall be kept confidential. For the ethical purposes of this research, letters were sent to all organizations that were instrumental for the research. The letters stated the nature and purpose of the study as well as important ethical considerations. The letters emphasized that the organizations were not under an obligation to participate in the study, and are entitled to withdraw at any time. It was also highlighted that the confidentiality of the organizations together with the women groups will be held with the highest regard.

3.9 Operationalization of Variables

Table 3.3 gives the operational definition of variables in this study. The table has provided the indicators and measurements for independent variables namely: role of civil society in promoting women land ownership, land administration patterns, social-economic impacts of women land rights and the role of culture in influencing women land rights. The indicator and measurement for dependent variable (Women Land Ownership) are also given. Both measurement scales and data analysis method used are also highlighted.

Table 3.3: Operationalization of Variables

Objective/Research Question	Variable	Indicator	Measurement	Level of Measurement	Data collection	Data Analysis
How does access to information influence realization of women land rights in Khwisero Constituency?	Independent: Gender Sensitization Programmes Gender Research and Information	Access to information	Number of programmes Research information disseminated	Nominal	Key informant interviews	Qualitative
How do land administration patterns promote women land ownership in Khwisero Constituency?	Independent: Land Tenure Reforms Formal Legal Systems Joint Titling and Inheritance	Land Reforms Joint title deeds	Number of land reforms Number of legal systems	Nominal	Focus group discussions, Key informant interviews Structured Questionnaire	Descriptive. Frequencies and Percentages
What social economic factors support women land rights in Khwisero Constituency?	Independent; Access to Micro Credit Training and Skills Economic Literacy	Social-economic impacts of women land rights	Number of women accessing credit Number of trainings Land rights awareness levels	Nominal	Structured questionnaire	Descriptive. Frequencies and Percentages

Objective/Research Question	Variable	Indicator	Measurement	Level of Measurement	Data collection	Data Analysis
How does culture influence realization of women land rights in Khwisero Constituency?	Independent: Community attitudes Clan Systems and Customary Authorities Cultural Tenure Systems	Impact of culture		Ordinal	Structured questionnaire Focus Group Discussion	Descriptive. Frequencies and Percentages

CHAPTER FOUR

DATA ANALYSIS, PRESENTATION AND INTERPRETATION

4.1 Introduction

This chapter presents analysis and findings of the study as set out in the research methodology. The results are presented on the factors that can facilitate rural women to own land in Khwisero Constituency. The specific areas presented in this section include: questionnaire response rate, gender distribution of the respondents, their age, marital status, religion, level of education, nature of marriage for those who are married as well as findings on the objectives of the study. The researcher sampled 396 households in Khwisero Constituency, six people from different organizations and two groups were interviewed as key informants to give clarity and details on a number of issues that touch on the study.

4.2 Response Rate

The researcher self-administered questionnaires to 396 Khwisero Constituency households and informants guide each to the group, chief, Lands office and CSOs. The respondents were first of all called to confirm their availability in order to administer the questionnaires. Information was obtained from 379 respondents (375 households, a Group, Chief, Lands office and CSOs); hence the return rate was 95.7 percent.

4.3 Demographic characteristics respondents

Background information of the respondents can women land ownership. It was therefore important to study the background of the respondents as gender, age, marital status, religion, level of education and nature of marriage.

4.3.1 Distribution of respondents gender

Each of the respondents was requested to indicate their gender as one of the key attributes of mapping out respondent's characteristics. The results in Table 4.1 show that female respondents dominated the study where they constituted 55% while male constitute 45%.

Table 4.1: Gender of respondents

	Frequency	Percent	Valid Percent	Cumulative Percent
Male	170	45.3	45.3	45.3
Female	205	54.7	54.7	100.0
Total	375	100.0	100.0	

From Table 4.4 majority of the respondents (54.7%), were female while 45.3% were male. This portrays indiscrimination in terms of gender survey.

4.3.2 Distribution of Respondents by age groups

The next attribute to be evaluated was the respondents' distribution according to their age and the outcome was as presented in Table 4.2.

Table 4.2: Age bracket of respondents

	Frequency	Percent	Valid Percent	Cumulative Percent
18-30	78	20.8	20.8	20.8
31-42	46	12.3	12.3	33.1
42-50	132	35.2	35.2	68.3
Above 50	119	31.7	31.7	100.0
Total	375	100.0	100.0	

From Table 4.5 majority of the respondents were aged between 42 and 50 comprising 35.2% of the respondents .31.7% were aged above 50 years, 20.8% were aged between 18 and 30 while 12.3 percent were aged between 31 and 42. All the respondents were above eighteen the acceptable age for one to own land in the laws of Kenya.

4.3.3 Distribution of respondents by Marital status

To establish the respondents' marital status, they were requested to indicate the tick their status from the provided options and their responses were as presented in the Table 4.3.

Table 4.3: Marital status of respondents

	Frequency	Percent	Valid Percent	Cumulative Percent
Single	17	4.5	4.5	4.5
Married	282	75.2	75.2	79.7
Separated	24	6.4	6.4	86.1
Widowed	52	13.9	13.9	100.0
Total	375	100.0	100.0	

From the Table 4.3, majority of the respondents were married constituting 75.2%, 13.9% were widowed, 6.4% were separated while 4.5% were single. This shows that most respondents were people with family responsibility and thus the more need to own land.

4.3.4 Distribution of Respondents by their religion

The respondents were asked to indicate their religion as it could also influence their believe in land ownership and their responses are presented in Table 4.4.

Table 4.4: Religion of respondents

	Frequency	Percent	Valid Percent	Cumulative Percent
Christian	335	89.3	89.3	89.3
Muslim	40	10.7	10.7	100.0
Total	375	100.0	100.0	

From Table 4.4, majority of the respondents were Christians constituting 89% while Muslims constituted 10.7%.

4.3.5 Distribution of Respondents Level of Education

The respondents were asked to indicate their level of education as it could also influence their knowledge on land laws and empowerment. Their feedback on the level of education is as presented in Table 4.5.

Table 4.5: Level of Education of respondents

	Frequency	Percent	Valid Percent	Cumulative Percent
Primary	290	77.3	77.3	77.3
Secondary	7	1.9	1.9	79.2
No education	78	20.8	20.8	100.0
Total	375	100.0	100.0	

From Table 4.5 majority of respondents were found to have upto primary level of education at 77.3%, 20.8% had no education while 1.9% had secondary school education. This indicates that a good percentage knew how to read and write. All respondents seemed to understand the importance of reasearch and thus co-operated in giving information after the researcher explained to them. The enumerators read and explained to respondent each and every question before they could answer. Those who were not able to write gave their answers to the enumerators who in turn did the writing The enumerators coming from the Luyha community were able to translate the questions into understandable form to the respondents.

4.3.6 Distribution of Respondents by Nature of Marriage

The respondents were asked to indicate their nature of marriage if married so as to establish if that affected their land ownership status. Their responses are presented in Table 4.6.

Table 4.6: Respondents Nature of Marriage

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Cohabitation	72	19.2	20.1	20.1
Valid Traditional customary	246	65.6	68.7	88.8
Valid Religious	40	10.7	11.2	100.0
Valid Total	358	95.5	100.0	
Missing System	17	4.5		
Total	375	100.0		

From Table 4.6 majority of the respondents who were married did it through traditional customary that is 65.6%. 19.2% of the respondents were cohabiting the so called “come we stay” while 10% were married religiously. 4.5% were single and thus did not contribute to this question.

4.4 Influence of access to information on realization of Women Land ownership

The respondents were asked to state if they were aware of any land laws, where they get information on land rights, whether there exists any NGOs/FBOs addressing women land rights and the support they receive from them if any, whether they knew any constitutional provisions that advance their land rights and what they thought CSOs should do to promote women land ownership. Their responses are presented in Tables 4.7 and 4.8.

Table 4. 7: Responses on knowledge of Land Laws

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	27	7.2	7.2	7.2
No	348	92.8	92.8	100.0
Total	375	100.0	100.0	

From Table 4.7 92.8% said they were not aware of land laws while 7.2% were aware. This shows that a lot needs to be done to sensitize people on land laws.

Table 4.8: Responses on List of Land Laws

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Registration of land	15	4.0	55.6	55.6
	Trespass	7	1.9	25.9	81.5
	Girl child inheritance	2	.5	7.4	88.9
	Means of land ownership	3	.8	11.1	100.0
	Total	27	7.2	100.0	
Missing	System	348	92.8		
Total		375	100.0		

The respondents who were aware of land laws listed the laws they knew as indicated in Table 4.8 55.6% percent said listed Registration of land, 25.9% mentioned the law concerning trespass, and 7.4% indicated girl child inheritance while 11.1% talked of means of land ownership. This shows that even those who said they knew land laws still do not know it fully. Respondents were asked to indicate the sources of information on land rights and they did it as shown in Table 4.9.

Table 4.9: Source of Information on Land Rights

	Frequency	Percent	Valid Percent	Cumulative Percent
Trainings from stakeholders	18	4.8	4.8	4.8
Local chief	122	32.5	32.5	37.3
Lands office	57	15.2	15.2	52.5
Radio	29	7.7	7.7	60.3
FIDA	6	1.6	1.6	61.9
None	143	38.1	38.1	100.0
Total	375	100.0	100.0	

From Table 4.9 4.8% got information on land rights through training from stakeholders, 32.5% got information from the local chief, 15.2% got the information from land office, and 7.7% received information from radio while 1.6 got it from FIDA. 38.1% did not receive information from anywhere thus indicating that a huge number still needs to be reached with information on land rights.

NGOs and FBOs

Respondents were asked to indicate if there were any NGOs /FBOs that were appropriate and adequately empowered to address women land rights. Table 4.10 shows their responses.

Table 4.10: NGOs and FBOs

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	40	10.7	10.7	10.7
No	315	84.0	84.0	94.7
Don't know	20	5.3	5.3	100.0
Total	375	100.0	100.0	

Despite the presence of NGOs and FBOs in the region, from Table 4.10 84% said NO, 10.7% said yes while 5.3 did not know whether or not there existed NGOs or FBOs addressing women land rights. The responses show that many people are not aware of existence of such organizations and so there is need of a lot of awareness creation and also advocacy to get more players into picture. Those who said yes were asked to name the organizations and Table 4.11 shows their answers.

Table 4.11: List of NGOs and FBOs

		Frequency	Percent	Valid Percent	Cumulative Percent
	Action Aid	26	6.9	65.0	65.0
	FIDA	6	1.6	15.0	80.0
Valid	FIDA and Action Aid	8	2.1	20.0	100.0
	Total	40	10.7	100.0	
Missing	System	335	89.3		
Total		375	100.0		

From Table 4.11 65% named Action Aid, 15% mentioned FIDA while 20% mentioned both Action Aid and FIDA. This indicated that those could be the only organizations which exist in the area with special emphasis on women land rights among other functions and if there are any then they have not been felt and so should strive to reach the people.

Support Received from NGOs and FBOs

Some organizations have been working in Khwisero Constituency in a quest to realize women land rights. Respondents were asked to indicate the support they receive from the NGOs /FBOs in promoting their rights to land. They responded as shown in Table 4.12.

Table 4.12: Support Received from NGOs and FBOs

		Frequency	Percent	Valid Percent	Cumulative Percent
	Awareness	39	10.4	97.5	97.5
Valid	Litigation	1	.3	2.5	100.0
	Total	40	10.7	100.0	
Missing	System	335	89.3		
Total		375	100.0		

It is apparent from the Table 4.12 that not much has been done. Most organizations support in awareness creation (97.5%) while very few do litigation (2.5%). There is need for Lobbying and Advocacy from the Government as well as Civic education.

Capacity of NGOs and FBOs to respond

Respondents were asked to say if those organizations had sufficient capacity politically, infrastructural and logistically to respond to their needs. Their responses are in Table 4.16.

Table 4.13: Capacity of NGOs and FBOs to respond

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	17	4.5	42.5	42.5
	No	23	6.1	57.5	100.0
	Total	40	10.7	100.0	
Missing	System	335	89.3		
Total		375	100.0		

From Table 4.13 57.5% said no while 42.5% said yes. This shows that majority do not have sufficient capacity to respond and so a lot needs to be done to enable even the existing organizations to work effectively.

Knowledge of Constitutional Provisions

Respondents were asked to indicate if they knew any constitutional provisions that advance their land rights and they responded as shown in Table 4.14.

Table 4.14: Knowledge of Constitutional Provisions

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	20	5.3	5.3	5.3
No	355	94.7	94.7	100.0
Total	375	100.0	100.0	

Despite the effort of many organizations to create awareness, many women are yet to understand the basic constitutional provisions on land ownership rights. From Table 4.17 only 5.3% had knowledge on constitutional provisions on land rights, 94.7% did not have any

knowledge on the same. This shows that people have not read and understood the constitution and especially on the issue to do with land rights.

List of Constitutional provisions

Those who said they had knowledge were asked to list the constitutional provisions and their responses were as shown in Table 4.15.

Table 4.15: List of Constitutional provisions

		Frequency	Percent	Valid Percent	Cumulative Percent
	Female right to own land	3	.8	15.0	15.0
Valid	Prosecution in case of grabbing	17	4.5	85.0	100.0
	Total	20	5.3	100.0	
Missing	System	355	94.7		
Total		375	100.0		

From Table 4.15 the constitutional provisions that the twenty respondents were aware of included; female land rights and prosecution in case of land grabbing with a share of 15% and 85% respectively. Respondents pointed out that there should be simplified versions of the constitution for them to understand it.

Proposed functions of CSOs in promotion of Women Land ownership

Respondents were asked to suggest what CSOs should do to promote women land ownership and their responses are presented in Table 4.16.

Table 4.16: Proposed functions of CSOs in promotion of Women Land ownership

	Frequency	Percent	Valid Percent	Cumulative Percent
Provide grants	40	10.7	10.7	10.7
Educate	244	65.1	65.1	75.7
Litigation	39	10.4	10.4	86.1
Provide loans	14	3.7	3.7	89.9
Liaise with government	25	6.7	6.7	96.5
Don't know	13	3.5	3.5	100.0
Total	375	100.0	100.0	

From Table 4.16 a range of functions emerged from provision of grants (10.7%), education (65.1%), litigation (10.4%), provision of loans to buy land (3.7), liaising with the Government (6.7%) while 3.5% did not know any. The responses show that education on women land rights garnered a big share and should be the key function of the CSOs in promoting women land rights. If people have the knowledge then they will be able to act responsibly and take steps to own land according to their rights. It will also make those who did not know about the land rights and have been hindering women from owning land to see their mistakes and stop it. Respondents also noted that CSOs should come in to help simplify the constitution into understandable versions.

4.5 Land Administration Patterns and Realization of Women Land Rights

Respondents were asked to indicate any form of land and by what means which they responded as shown in Table 4.17 and 4.18.

Table 4.17: Owning Land

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	205	54.7	54.7	54.7
No	170	45.3	45.3	100.0
Total	375	100.0	100.0	

From Table 4.7 54% of respondents owned land while 45.3% did not. This shows that close to half the population did not own land.

Table 4.18: Means of Land ownership

		Frequency	Percent	Valid Percent	Cumulative Percent
	Inheritance	118	31.5	57.6	57.6
	Buying	67	17.9	32.7	90.2
Valid	Joint ownership	10	2.7	4.9	95.1
	Borrowing	10	2.7	4.9	100.0
	Total	205	54.7	100.0	
Missing	System	170	45.3		
Total		375	100.0		

From Table 4.18, the highest number owned land through inheritance (57.7%), 32.7% bought land, 4.9% had joint ownership with spouse while 4.9% borrowed land.

Size of land owned

Respondents were asked to quote the size of land they owned and their responses were as shown in Table 4.19.

Table 4.19: Size of land

		Frequency	Percent	Valid Percent	Cumulative Percent
	Less than 1 acre	135	36.0	65.9	65.9
	1-2 acres	50	13.3	24.4	90.2
Valid	2-4 acres	15	4.0	7.3	97.6
	Above 4 acres	5	1.3	2.4	100.0
	Total	205	54.7	100.0	
Missing	System	170	45.3		
Total		375	100.0		

From Table 4.19 65.9% had less than an acre of land, 24.4% had between one and two acres, 7.3% had between two and four acres while only 2.4% had above four acres. This shows that majority have small parcels of land.

Knowledge of Land Administrators

Respondents were asked if they knew the people responsible for land administration and they responded as presented in Table 4.20

Table 4.20: Knowledge of Land Administrators

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	113	30.1	30.1	30.1
No	262	69.9	69.9	100.0
Total	375	100.0	100.0	

From Table 4.20 69.9% said no while 30.1% said yes. This shows that many people did not know who to run to in case of land problems. Those who said yes listed the land administrators they knew of as shown in Table 4.21.

Table 4.21: List of Land Administrators

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Lands office	60	16.0	53.1	53.1
	Dc/chief	20	5.3	17.7	70.8
	Village elders	30	8.0	26.5	97.3
	Father- in-law	3	.8	2.7	100.0
	Total	113	30.1	100.0	
Missing	System	262	69.9		
Total		375	100.0		

From Table 4.21 53.1% mentioned lands office, 17.7% said DC/Chief, 26.5% indicated village elders while 2.7% said father-in-law.

4.6 Social economic factors and Realization of Women Land Rights

Respondents were asked to indicate what enables women to access land in their community and their responses are presented in Table 4.22.

Table 4.22: What enables women to access land

	Frequency	Percent	Valid Percent	Cumulative Percent
Marriage	165	44.0	44.0	44.0
Inheritance	122	32.5	32.5	76.5
Purchasing/renting	50	13.3	13.3	89.9
Borrowing	6	1.6	1.6	91.5
Long time settlement	10	2.7	2.7	94.1
Depends on age	22	5.9	5.9	100.0
Total	375	100.0	100.0	

From Table 4.22 44% said marriage, 32.5% said inheritance, 13.3 % mentioned purchasing or renting, 2.7% talked of long time settlement in a place while 5.9% mentioned age as a factor. This shows that most women will only access land at marriage or inheritance especially when their spouses die. There is a serious concern here that women are not able to freely own land unless of the mentioned happenings.

Benefits for women who own land

Respondents were asked to indicate what they think would be benefits of women who own land and their responses are presented in Table 4.23.

Table 4.23: Benefits for women who own land

	Frequency	Percent	Valid Percent	Cumulative Percent
Food security	70	18.7	18.7	18.7
Freedom	113	30.1	30.1	48.8
Safety	20	5.3	5.3	54.1
Income generation	172	45.9	45.9	100.0
Total	375	100.0	100.0	

From Table 4.23 18.7% said that food security will be enhanced, 30.1% said that women owning land can use the land freely without any problem, 5.3% mentioned safety in terms of having a place to stay without fear of eviction and also for the children to inherit while 45% said that they women will be able to generate income thus empowering themselves.

Whether they got sufficient food gains from the land

Respondents were asked if they get sufficient food from their land and they responded as presented in Table 4.24.

Table 4.24: Whether they got sufficient food gains from the land

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	100	26.7	26.7	26.7
No	275	73.3	73.3	100.0
Total	375	100.0	100.0	

From Table 4.24 only 26.7% said yes. 73.3 said “no” meaning that majority do not get sufficient food from their land. This would be due to the small size of land owned among other factors.

Meeting Household food needs

Respondents were asked to explain how they met their household food need and they responded as shown in Table 4.25.

Table 4.25: Meeting Household food needs

	Frequency	Percent	Valid Percent	Cumulative Percent
Off farm activities	50	13.3	13.3	13.3
Financial support from relatives	98	26.1	26.1	39.5
Borrowing from friends and relatives	20	5.3	5.3	44.8
Husband	30	8.0	8.0	52.8
Farm activities	99	26.4	26.4	79.2
Casual jobs	78	20.8	20.8	100.0
Total	375	100.0	100.0	

From Table 4.25 13.3% said they generate income from off farming activities, 26.1% said they get financial help from relatives, 5.3% said they borrow from friends and relatives, 8% said their husband generates income from off farming activities, 26.4% said they meet their household food needs from farm activities while 20.8% mentioned casual jobs as an enabler in meeting their household food needs.

4.7 Cultural factors and Realization of Women Land Rights

Respondents were asked whether women should own land according to community perspective and give reasons if they thought they should. They responded as presented in Table 4.26.

Table 4.26: Whether women should own land (community perspective)

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes they should	295	78.7	78.7	78.7
Maybe they should	10	2.7	2.7	81.3
Never at all	70	18.7	18.7	100.0
Total	375	100.0	100.0	

From Table 4.26 78.7% said yes they should, 2.7% said maybe they should while 18.7% said never at all should they own land. This shows that many people think women should own land including women themselves thus there is a need to sensitize them on the need to own land. Those who said yes had reasons which are presented in Table 4.27.

Table 4.27: Why women should own land

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Food	45	12.0	14.8	14.8
Independence	170	45.3	55.7	70.5
To pass on to the children	50	13.3	16.4	86.9
To avoid harassment	30	8.0	9.8	96.7
If children are only girls	10	2.7	3.3	100.0
Total	305	81.3	100.0	
Missing System	70	18.7		
Total	375	100.0		

From Table 4.27 a number of reasons emerged from food security (14.8%), independence (55.7%), passing on to children (16.4%), to avoid harassment (9.8%) and 3.3% if one has only girls as children. The major reason here is for women to be independent. If our economy needs to grow we need independent women who are empowered to provide solutions to their problems and one way of enabling that is to have women own property especially land.

Perception of village elders

Respondents were also asked to give the village elders perspective and they responded as shown in Table 4.28.

Table 4.28: Perception of village elders

	Frequency	Percent	Valid Percent	Cumulative Percent
Unacceptable	132	35.2	35.2	35.2
Acceptable	58	15.5	15.5	50.7
Partially acceptable	145	38.7	38.7	89.3
A taboo	40	10.7	10.7	100.0
Total	375	100.0	100.0	

From Table 4.28 35% said that village elders perceive women land ownership as unacceptable, 15.5% see said it is seen as acceptable, 38.7% said it is perceived as partially acceptable while 10.7% said village elders view women land ownership as a taboo. This shows that still village elders are holding to traditions and so they need lots of sensitization on women land rights.

Whether women access land once spouses die

Respondents were also asked to indicate whether women had access to land once their spouses die and their responses are presented in Table 4.29.

Table 4.29: Whether women access land once spouses die

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	187	49.9	49.9	49.9
No	97	25.9	25.9	75.7
Struggle to access	91	24.3	24.3	100.0
Total	375	100.0	100.0	

From Table 4.29 49.9% said yes, 25.9% said no while 24.3% said the widows struggle to access land. Again there is need to sensitize people on women land rights so that widows can freely access their spouses land.

Farm produce controller

Respondents were asked to indicate who in the family controlled farm produce and they responded as presented in Table 4.30.

Table 4.30: Farm produce controller

	Frequency	Percent	Valid Percent	Cumulative Percent
Self	161	42.9	42.9	42.9
Spouse	76	20.3	20.3	63.2
Both wife and husband	25	6.7	6.7	69.9
Children	22	5.9	5.9	75.7
Mother in-law	91	24.3	24.3	100.0
Total	375	100.0	100.0	

From Table 4.30 42.9 said they controlled it themselves, 20.3% said their spouse, 6.7% said they jointly controlled the produce, 5.9% talked of children while 24.3% said it was their mother in law. This indicates that women do not have full control of their farm produce thus cannot make decisions concerning use of the farm produce alone.

Hindrances in women land ownership

Respondents were asked to mention what hinders women land ownership and their responses are presented in Table 4.31.

Table 4.31: Hindrances in women land ownership

	Frequency	Percent	Valid Percent	Cumulative Percent
Cultural practices	318	84.8	84.8	84.8
Low income	57	15.2	15.2	100.0
Total	375	100.0	100.0	

From Table 4.31 majority of respondents (84.8%) said that cultural practices hindered women from land ownership while 15.2% said it was because of low income that women have.

This shows that the unfair cultural practices should be eradicated through sensitization on those holding to this retrogressive culture.

Factors to promote women land ownership

Respondents were asked to suggest factors they think can promote women land ownership.

They responded as shown in Table 4.35.

Table 4.32: Factors to promote women land ownership

	Frequency	Percent	Valid Percent	Cumulative Percent
Training on women land rights	288	76.8	76.8	76.8
Marriage certificate	47	12.5	12.5	89.3
Buying land	25	6.7	6.7	96.0
Inheritance	15	4.0	4.0	100.0
Total	375	100.0	100.0	

From Table 4.35 76.8% pointed out training on women land rights, 12.5% mentioned marriage certificate, 6.7 suggested that women should buy land while 4.0% talked of inheritance by women and the girl child in general. All these centres on training on women land rights and so measures should be taken to ensure it is done. If this is done and women are able to own land, they will reap all the benefits associated with land ownership including practicing income generating activities as well as accessing credit from lending institutions.

CHAPTER FIVE
SUMMARY OF FINDINGS, DISCUSSIONS, CONCLUSIONS AND
RECOMMENDATIONS

5.1 Introduction

This chapter provides the summary of the findings, the conclusions and recommendations of the study based on the objectives of the study. The specific objectives of this study were: to assess how access to information influences realization of Women Land ownership in Khwisero Constituency, to examine how land administration patterns in Khwisero Constituency influence the realization of Women land ownership in Khwisero Constituency, to analyze how Social-Economic impacts influence women land ownership in Khwisero Constituency and to assess the role of culture in influencing women land rights in Khwisero Constituency.

5.2 Summary of findings

From the analysis of all the responses received, the researcher noted the following key findings: Firstly, from the respondents' general characteristics, most of them were female and majority were between 42-50 (35.2%) and most were married through traditional customary (68.7%). To support the authenticity of the findings, respondents (75.2%) were married, 13.9% widowed, 6.4% separated and only 4.5% were single thus they were people who had responsibilities and understood the importance of land. These findings indicated that rural women land ownership is influenced by: access to information, land administration patterns, socio-economic status and culture.

5.2.1 Influence of access to information on realization of Women Land ownership

It came out that majority of respondents (92.8%) were not aware of any land laws. Those who were aware of land laws said they received information from various parties including training from stakeholders, CSOs, local chief, radio and lands office. 84% of respondents said they were not aware of any NGOs or FBOs in the area despite their presence meaning people are in the dark. Those who said they are aware of those organizations said that they supported in litigation and awareness creation but lacked enough capacity to their needs. 94.7% of respondents did not know the constitutional provisions on women land rights. Among the

proposed functions of CSOs, majority of respondents (65.1%) cited education on women land rights as the major function.

5.2.3 Land Administration Patterns and Realization of Women Land Rights

Factors which emerged here were: close to half the population do not own land (45.3%) meaning that there are so many out there without personal land. It also emerged that majority of those who owned land acquired it through inheritance. It was also discovered that those who owned land had less than one acre thus the produce does not sustain their families. Those who were aware of land administrators were only 30.1% meaning 69.9% did not. 53.1% of those who knew land administration listed lands office as the major land administrator however, some people cited father-in-law as a land administrator.

5.2.4 Social economic factors and Realization of Women Land Rights

From the study, majority of respondents said marriage and inheritance were the major enablers of women land ownership with 44% and 32.5% respectively. A smaller percentage believed that land can be bought, borrowed or acquired through long time settlement in a place. This means that people need to be educated of the other means of owning land so that they do not rely on just marriage and inheritance. Respondents mentioned a number of benefits accruing from women land ownership including: food security, freedom, safety and income generation. Income generation leads on the benefits hence the more reason for women to own land. It was also recognized that women who working class were hence earning their income had more capacity to buy land than those waiting on their husbands to provide. 73.3% of respondents said their farm produce was not sufficient to feed their families and so relied on relatives' support, spouses off farming activities, friends or even engaging in casual jobs themselves to supplement.

5.2.5 Cultural factors and Realization of Women Land Rights

It emerged from the study that 78.7% accepted the fact that women should own community land suggesting that there is no superior gender. However, there is still a percentage that said women should never at all own community land with the sole reason that women need to get married and get a share that their husbands own. Those who said women should own community land highlighted reasons as: food security, independence, passing to children,

avoiding harassment and if one has only girl children. Independence garnered the highest percentage (55.7%). It was also found out that village elders still hold to retrogressive culture forbidding women from owning land some saying it was unacceptable while others saying it was a taboo. Only 15.5% said it was acceptable for women to own land. Almost half of the widows accessed their spouses land while the rest didn't or struggled to access. The farm produce was controlled by others than the farmer himself thus one could not use their produce freely. Two major factors were said to be hindering women from owning land that is cultural practices and low income. Four factors were said to promote women land ownership including; training on women land rights, legal marriages (attaining a marriage certificate), buying and inheriting land. Training took the highest percent in that order.

5.3 Conclusions of the study

This study sought to examine factors that facilitate rural women to own land in Khwisero Constituency. The research findings show that access to information contributes to whether women own or do not own land, understanding land administration patterns as well as good women representation in the administration also can facilitate women land ownership. Women who are economically empowered have high chances of owning land to those who are not, this also includes going to school and getting to know rights and also land ownership comes with socio-economic benefits as increased income generation, food security and independence. Finally according to this study culture plays a big role in women land ownership. Most women do not own land because of cultural issues thus there is need to advocate for eradication of such cultures through sensitization.

5.4 Recommendations

Based on the research findings, the researcher came up with a number of recommendations to facilitate rural women land ownership. They include:

1. Training on women land rights right from primary schools to the local communities. NGOs and FBOs dealing in women rights should concentrate on awareness creation and always refresh the target group as often as possible to make it a norm.
2. The Government and NGO world should look for a way litigation can be made free to women seeking justice on land ownership rights.

3. The government and other Development actors should consider streamlining women economic empowerment programmes in their key development facets to boost quality of life.
4. The law makers should come up with a law prohibiting the cultural practices that hinder women from land ownership not just as a paper but sensitize people on it and ensure it is followed.

5.5 Suggestions for further research

Land rights continue to be a subject of debate and contestation in Kenya hence the need for targeting these concerns. It would be interesting to understand the complexities of land rights by conducting research to provide empirical data on this subject. Further by focusing on various Land Acts /legislations and how these play out in different regions in Kenya would enrich the debate on land rights, especially ownership for women. These issues can form the subject of future projects. Taking the limitations and delimitation of the study, the researcher made the following recommendations for future study;

1. A study should be carried out on the state of women land ownership in Kenya.
2. A study should be carried out on the influence of women land ownership on rural development
3. A study should be carried out on the effectiveness of government institutions in the realization of women land ownership

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APPENDICES

APPENDIX I:LETTERS OF TRANSMITTAL

Josephine Wangari Ileri
University of Nairobi
Department of Extra Mural Studies
P.O. Box 70788 00400
Nairobi

Dear Sir/Madam,

Re: Participation in the Research

My Name is Josephine Ileri and I am a student at the University of Nairobi pursuing a Master's degree in Project Planning and Management. In partial fulfillment for the award of a Master's degree, I wish to carry out a research on the factors that facilitate women's land and property rights for the women in Khwisero Constituency. The research intends to carry out a critical assessment of some of these factors within the context of land ownership targeting the rural households of Khwisero Constituency. This assessment will ascertain the extent to which the factors promote women land rights. You are under no obligation to participate in this study. However, if you chose to participate in the research, anonymity and your confidentiality that of your organization as well as the volunteering women's group will be maintained. If you have any questions regarding this research study, you can contact me;

Yours Faithfully,
Josephine Ileri
L50/82435/2012

**APPENDIX II: QUESTIONNAIRE FOR RURAL HOUSEHOLDS OF
KHWISERO CONSTITUENCY**

This questionnaire is intended to gather information on the factors facilitating women land rights in Khwisero, Kakamega County, Kenya. Information you will provide will ONLY be used for the purpose of the research, but identity will be strictly confidential.

Instructions: *(Please read the instructions given and answer the questions as appropriately as possible).* It is advisable that you read carefully and correctly fill in each section as provided.

Individuals

	DD	MM	YR	
Date of Interview:	<input style="width: 30px; height: 20px;" type="text"/> <input style="width: 30px; height: 20px;" type="text"/>	<input style="width: 30px; height: 20px;" type="text"/> <input style="width: 30px; height: 20px;" type="text"/>	<input style="width: 30px; height: 20px;" type="text"/> <input style="width: 30px; height: 20px;" type="text"/>	
Enumerator's Name: _____			Signature: _____	

PART A: DEMOGRAPHIC CHARACTERISTICS (Please Tick where appropriate [√])

No.	Question	Answer Codes
1	Please Indicate your Gender	a) Male b) Female
2	Kindly indicate your age	a) 18-30 b) 31-42 c) 42-50 d) Above 50
3	Kindly indicate your marital status	a) Single b) Married c) Separated d) Divorced e) Widowed

No.	Question	Answer Codes
4	Religion(Please Tick One)	a) Christian b) Muslim c) Other
5	What is the highest level of education you have completed?	a) Primary b) Secondary c) Certificate d) Diploma e) University Degree
6	If married, what is the nature of your marriage?	a) Cohabitation/Come we stay b) Traditional Customary c) Christian/Religious Marriage d) Civil Marriage

SECTION 1: LEVELS OF AWARENESS ON WOMEN LAND RIGHTS

(Please Tick where appropriate [√])

No.	Question	Answer Codes
7	Are you aware of any land laws in Kenya?	a) Yes b) No If yes, Please State the laws you know here
8	Where do you get information on land rights?	a) Trainings from stakeholders b) Local chief c) Lands office

9	Are there any NGOs/FBOs that exist that are appropriate and adequately empowered to address women land rights?	a) Yes b) No
10	If yes, Please Name them
11	What kind of support do you receive from NGOs/FBO's to promote your rights to land	a) Awareness creation by training b) Litigation c) Lobbying and Advocacy from Government d) Civic Education
12	Do they have sufficient capacity politically, infrastructural and logistically to respond?	a) Yes b) No
13	Do you know any constitutional provisions that advance your land rights?	a) Yes b) No If yes, which ones?.....
14	What do you think CSOs should do to promote women land ownership in Khwisero Constituency?	

SECTION 2: LAND ADMINISTRATION PATTERNS (Please Tick where appropriate [√])

No.	Question	Answer Codes
15	Do you own any form of land?	a) Yes b) No c) I have joint ownership with my spouse
16	Under whose name is your land title registered?	a) Mine b) Spouse's c) We have a joint title
17	If yes, by what means did you gain ownership?	a) Inheritance b) Buying c) I have a joint title with my spouse
18	If you own any type of land, What is the size in acres?	a) 1-2 acres b) 2-5 acres c) Above 5 acres
19	Do you know the responsible individuals or institutions for administering land titles and subdividing land? Please name them?	a) Yes b) No If yes, please name them

SECTION 3: SOCIAL ECONOMIC IMPACTS OF LAND (Please Tick where appropriate [√])

No.	Question	Answer Codes
20	What enables women access land in Khwisero Community?	<ul style="list-style-type: none"> a) Access though marriage b) Inheritance from parents c) Purchasing/Renting d) Free access-everyone can obtain land e) Inheritance form relatives f) Inheritance from spouse g) Borrowing h) Settling in the area along time ago i) Having children j) Depends on age
21	What do you think are benefits for women who own land?	
22	Do you get sufficient food gains from your land?	<ul style="list-style-type: none"> a) Yes b) No
23	How do you meet household food needs?	<ul style="list-style-type: none"> a) I generate my income from off farm activities b) I get financial support from other family members c) I borrow food from friends/and or relatives d) My spouse generates income from off farm activities

SECTION 4: WOMEN LAND RIGHTS AND CULTURE (Please Tick where appropriate [√])

No.	Question	Answer Codes
24	Should women own land? What is the community's perception?	a) Yes they should b) May be they Should c) Never at all
25	If yes, what are the reasons that they women own land?	
26	What is the perception of village elders towards women owning land?	a) Unacceptable b) Acceptable c) Partially acceptable d) A taboo
27	In the community, do women have access to land once their spouses die?	Yes No Other
28	Please explain your choice of answer above	
29	Who controls farm produce in your household?	a) Myself b) My spouse
30	What hinders women from owning land?	a) Cultural practices b) Low income c) Women do not want to own land d) Other. (explain)
31	In your opinion, what factors do you think can promote women to own land? Please name them	

APPENDIX II: FOCUS GROUP DISCUSSION GUIDE

Name of Group.....
Facilitator.....
District.....
Division.....
Date.....

How many of you here understand land rights?
.....

What is your assessment on the reasons as to why women do not own land?
.....

What is your assessment on the issue of women land rights in Khwisero Constituency?
.....

What is your main source of information on women land rights?
.....

In your view how does women ownership of land improve on a family's livelihood?
.....

In your view how does the socio-economic status of a woman influence land ownership?
.....

To whom does the land in the communal area belong to?
.....

Who has the responsibility of allocating land in the communal areas?
.....

Who is entitled to receive land in the communal areas?
.....

Which criteria do you have in place for land inheritance in the communal arrears for widows?
.....

Should men and women have equal rights to land in communal areas? A yes b) no
.....

Give reasons for your choice above
.....

With regard to land, who has the right to inherit it in the household?

.....

What challenges do widows face after the death of their husband?

.....

Who benefits more from customary allocation of land? Men or women

.....

APPENDIX III: KEY INFORMANT GUIDE (CSOs)

Name of informant.....
Name of your Organization
Title/position.....
Interviewer.....
Date.....

For how long have you served in this organization/Institution?.....

Is your organization working on issues of women property rights?

- a) Yes, a specific topic
- b) Yes, a part of work on land rights or economic rights in general
- c) Yes, as part of work on other women’s rights
- d) No, but we may work on it in future
- e) No, and we definitely not work on it

On what issues in the field of women’s property rights do you work (More possible answers)

- a) Unequal possibilities to own property
- b) Women’s Land rights
- c) Inheritance Rights
- d) Matrimonial property (Within Marriages and after Divorce)
- e) Dowries
- f) Access to credit, bank accounts
- g) Women’s possibilities to own and run a business
- h) Other, Please explain

.....
.....
.....

What kind of work do you do on women’s property rights (More answers Possible?)

- a) Advocacy in order to influence laws and policies
- b) Legal aid to women
- c) Public campaigning/awareness

- d) Training of professionals(judges, lawyers and leaders)
- e) Education of women
- f) Research
- g) Empowerment of women/women’s organizations
- h) Other(Please explain)

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.....
.....

Are you familiar with any laws and policies that promote women’s right to own land and other property?

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.....
.....

How can women’s rights be secured?

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.....
.....

What are the main challenges in promoting Women’s land rights?

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.....
.....

What is your organization doing to realize women land rights?

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.....
.....

What are some of the challenges to realizing women land rights in Kenya?

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.....
.....

What is the socio-economic impacts of women's rights to own land in Kenya?

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.....

What Roles do you think CSOs should be doing to promote Women Land Rights?

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.....
.....

Comment on women representation in Land governance institutions.

.....
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.....
.....

What are your suggestions and recommendations?

.....
.....
.....

APPENDIX IV: KEY INFORMANT GUIDE (LANDS OFFICE)

Name of your Institution

Title/position.....

Interviewer.....

Date.....

Are unequal property rights a problem for women in the countries/regions in which your organisation is working, and if so, what specific problems do you observe? (Please tick more answers possible):

- a) No, women have equal property rights
- b) Yes, inequality in the possibilities to own property
- c) Yes, inequality in land rights
- d) Yes, inequality in land inheritance right
- e) Yes, inequality in matrimonial property (within marriage and after divorce)
- f) Yes, Dowries
- g) Yes, inequalities in access to credit, bank accounts
- h) Yes, inequalities in the possibilities to own and run a business
- i) Yes, Other (Please explain)

What are main legal obstacles for equal rights to property rights for women that you observe in your work?

.....
.....
.....
.....

Do people in your registry own land jointly?

- a) Yes
- b) No
- c) Other.....
.....

What challenges do people in your area face in owning land?

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.....
.....

What are main social cultural obstacles for equal rights to property for women that you observe in your work?

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.....
.....

What are main effects of unequal property rights on the lives of women?

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.....
.....
.....

In your view, what needs to be done to promote women land ownership rights in Khwisero Constituency?

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.....

What is your position in the Ministry?

.....

Does the Ministry of lands, have any youth programmes in its sector?

.....

Does the Ministry of land collaborate with Civil Society organizations or other related bodies acting in women issues?

- a) Yes
- b) No

If yes, please explain

.....

Do you think that there are serious land related problems in rural areas?

.....

What kind of planning strategies have you in place to deal with the problem of landless women?

.....

How can the strategies affect the future of the rural women?

.....

Do you think that the land reform policy will solve the problems of women land ownership?

.....

Are there land problems that affect women in Khwisero Constituency What is their nature?

.....

How does the lands ministry handle them?

.....

What are the difficulties that you have experienced, while handling these land issues women?

.....

Are there any land related cases brought to courts from Khwisero Constituency? If yes, what is the nature of litigation?

.....

Are there other actors who intervene in the land question, in this Khwisero Constituency?

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.....
.....

Is there any collaboration between the local administration and the Ministry of lands? If yes, how do they collaborate?

.....
.....
.....
.....

APPENDIX V: KEY INFORMANT GUIDE

Name of your Institution.....
Title/position.....
Interviewer.....
Date.....

Under what law is the land in your area administered?(Please tick one)

- a) Customary
- b) Statutory

How do people acquire land in your areas? Explain the procedure that someone has to follow to get land in your area

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.....

What type of documentation or paper do people in your area have over their land?

- a) Consent letter
- b) Letter of offer from the government
- c) Title deed
- d) Lease
- e) Village register
- f) Letter from Chief/Village elder
- g) Customary/Traditional certificate
- h) Others.....

What is the procedure followed in getting paper of ownership to land in your area?

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.....
.....
.....

Who determines the size of the land given to women?

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.....
.....

Are there differences in size between land given to men and that given to women and why is it so?

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.....

At what stage in life are men and women allowed to own land?

.....
.....

What are the requirements for one to own land in Khwisero Constituency?

Men.....

Women.....

.....
.....

What do you think about women owning land?

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.....

Why do you think it important to own land?

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.....
.....

Do women make independent decisions on land use?

a) Yes

b) No

Explain your answer

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.....
.....
.....

Are there any organizations such as; NGOs, church organizations or government departments that are working on improving the people's rights to land in your area?

a) Yes

b) No

If your answer is YES, which NGOs, church organizations or government departments are working on improving the people's rights to land in Khwisero Constituency?

.....
.....
.....

What specific actions/ programmes have they taken to promote people's rights to the land in Khwisero Constituency?

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.....
.....

What are the common land disputes do your people face in Khwisero Constituency?

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.....
.....

State any land dispute that directly affects women

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.....
.....

What do you think should be done to strengthen women's land rights in your area?

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.....

What community initiatives are being undertaken to improve women's land rights in Khwisero Constituency?

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.....

What role should the men and women in your area play in advancing their rights to land?

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.....

What initiatives should various organizations and churches undertake to improve women rights?

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.....

What customary land groups/governance structures exist in your community?

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.....
.....

Are there positions reserved for women in customary land governance board/council?

- a) Yes
- b) No

If your answer to question above is YES, out of the current total number of the members in the Customary land governance board/council, how many are women?

.....
What roles do women who hold positions in customary land governance play?
.....
.....
.....

Have you allocated any land to the people in your community this year?

- a) Yes
- b) No

If yes to question, how many land allocations have been made in your area this year?

.....
.....

Out of the total number of the land you allocated to the people in your community, how many allocations were made to women?

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.....