



Women Access to Land Rights for Food Security

A case of Baringo and Samburu Counties

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Preface

As a German political foundation, The Konrad Adenauer Stiftung, has been operating in Kenya since 1974 promoting tenets of democracy and citizen engagement in politics and society. KAS is currently implementing 'Crisis Prevention' project through promotion of good governance in the areas of food security in Northern Kenya under the initiative 'One World-No Hunger'. In the month of November 2019, KAS conducted a study on 'Women Access to Land Rights for Food Security; A case of Baringo and Samburu Counties'. The main objective of this study was to establish how land access by women affects food security in the various livelihood zones in Samburu and Baringo counties.

The study, conducted by two independent consultants, was both qualitative and quantitative in nature where views were collected from political players, no-state actors and local community members from the two counties. Findings and discussions, including analysis was done for each county. The main thematic areas done analysis were: land ownership; local politics and women access to land; livelihoods options for women; challenges for accessing land rights by women and county plans regarding land rights and access. The study report also includes conclusion and realistic recommendations.

It is my hope that the study report will form integral part of source documents for references by both political and no-political decision makers while discussing land rights access by women to promote food security and livelihoods. The findings will further strengthen the growing commitment on gender equality and issues affecting women to ensure sustained livelihoods, especially in the northern Kenya where women are disadvantaged by communal land ownership. We hope that reading this report will be insightful. Many thanks.

Dr. Jan Cernicky,
Country Director,
Konrad-Adenauer-Stiftung,
Kenya Office.

Acknowledgment

This study report was made possible by substantial support from several parties. The assessment team is grateful to Konrad Adenauer Stiftung (KAS) for sponsoring and making this research work possible. We would also like to offer our sincere gratitude to the many key stakeholders in the two counties of Baringo and Samburu for agreeing to participate in the study and offering their opinions on the topic. In particular, the team is indebted to the county staff and administration lead by key personnel drawn from departments of land, agriculture, disaster management and other political leaders from the two assemblies.

The appreciation is also extended to county development partners (Local, Regional and National NGOs) for their contribution to the process. We would like to thank the community members from Baringo and Samburu lead by their respective Chiefs and Community Elders for their participation in this research process, especially during the FDGs. Special thanks goes out to the data collection team for both Baringo and Samburu counties led by Andrew Chesire and Henry Oluchi respectively. Their contribution ensured quality data collection, which was analysed and findings made

Executive Summary

The counties of Baringo and Samburu are inhabited by mainly agro-pastoralists and pastoralists and are known to be vulnerable to disasters such as drought, intercommunal clashes, and resource-based conflicts, seasonal floods, and landslides. There is also gender disparity when it comes to access and ownership of land by women. The impact of the disasters mostly affect women adversely and thus slows down the global efforts of poverty reduction and crisis prevention with women land rights significantly reduced. Notably, politics, policies, and other communal dynamics affect access to land by women negatively because of either lack of or weak policies that address women's land rights. This research paper sheds more light on the relationship between food security and access to land by women in Samburu and Baringo counties. The assessment report summarizes how land access by women affect food security in the various livelihood zones within Samburu and Baringo counties.

Findings and Conclusion

Land is an essential factor in production, poverty reduction, and food security. Women constitute the poorest and most vulnerable group in Samburu and Baringo counties. They are involved in agriculture as a leading source of livelihood, and the sector is crucial to their livelihoods. Women continue to face many challenges in access and ownership of land, which increases their vulnerability to food insecurity. The government of Kenya has some laws that guarantee women access to the property and prohibits any form of discrimination against women. Nevertheless, the situation on the ground is different as women's security of tenure is not guaranteed regarding both private and or communal ownership of land. Insecure women's land tenure is attributed to a lack of knowledge on land laws, and more importantly, the patriarchal land ownership practice, which is primarily influenced by culture.

Local politicians and leaders are influential, and they set agendas for communities both at the county assembly level and at a village level, as well as being the de facto voice of their respective clans. Eliminating discriminatory policies that deny women rights to own and control land, ensuring that women are aware of laws and policies that govern the land, and giving women a voice in decision making at all levels is essential for mainstreaming gender within agriculture and food security programming and policy. The increased participation of women and their empowerment, which includes giving them better if not equal access to resources such as land and credit, are essential components of sound social and economic policy. Empowering women can also help improve agricultural development and food security for the community as a whole.

Key Recommendations

Below are the outlined recommendations from the study:

- Promote women's effective participation on land governance units from the local level to the national level through awareness raising and access to information among women regarding land laws and policies.
- Support education and capacity building for government officials, legislators and land officials on women's land and property rights and promoting women's access and rights to land in customary law by supporting women's participation in bodies responsible for interpreting customary law.
- Non-governmental Organizations should work with local leaders such as Members of County Assemblies, Members of Parliament, religious leaders to advocate for women's rights.
- There is a need to establish and strengthen gender-sensitive Alternative Dispute Resolution mechanisms to promote access to justice for women's land rights.
- The county government should increase budgetary allocations for interventions aiming at

improving food security in Baringo and Samburu Counties.

- The county government should ensure that community members comply with all the requirements of CLA; more importantly, the inclusion of women in the community land register.
- There is need for awareness creation programs by government and non-governmental organizations to enlighten communities on their land rights, principles of the CoK, 2010, on non-discrimination of women, including those on participation and consultation.
- The department of agriculture should include the establishment of women-only farmers field Schools to encourage peer to peer learning in their annual plans.
- The county government should increase public financing for agriculture following the Maputo declaration directs that the national budget on agriculture should be more than ten percent of the total budget.
- Strengthen women's organizations in rural communities and support their participation in land governance so that their needs and priorities are taken into account.
- Improve access to services for women in agriculture through access to agricultural extension services by increasing staff recruitment of extension and outreach officers in Baringo. Currently the ratio is at an average of 1:1331 yet the ideal ratio should be at 1:400.
- Improve women's access to credit facilities and inputs needed to increase agricultural yields thus improve food security through establishment of input subsidy programs.
- Include and promote participation of women in emergency related food security planning and decision making because of their specific roles and experiences in food production and preparation

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List of Abbreviations

ASALs	–	Arid and Semi-Arid Lands
CoK	–	Constitution of Kenya
CSOs	–	Civil Society Organisations
GDP	–	Gross Domestic Product
GoK	–	Government of Kenya
KARI	–	Kenya Agricultural Research Institute
KAS	–	Konrad Adenauer Stiftung
MoLP	–	Ministry of Lands and Physical Planning
NLC	–	National Land Commission
CLA	–	Community Land Act, 2016

1.0 Introduction

1.1 Background

Access to land rights is a powerful asset for economic empowerment. Lack of access to land rights and other productive assets denies people the opportunity to generate income, feed themselves, their families, and break down systemic barriers to food insecurity. This is the reality of many women in Africa. Even though women are the primary users of land for residential and agricultural purposes, they are subjected to unequal treatment and denied ownership and access to land and natural resources¹. Lack of women access to land rights is attributed to customary practices that are patriarchal. As a result, over the years, men have established ways to access land, resources, decision-making processes, and leadership position in land governance, and the process secluded women. The situation is worse in Arid and Semi-Arid Lands of Kenya, which is predominantly unregistered community land.

1.2 Problem Statement

Samburu and Baringo counties are vulnerable to disasters such as drought (which is more aggressive in the agro-pastoralist and pastoralist zones), inter-communal and natural resource-based conflict, seasonal flash-floods as well as landslides. Besides, there is gender inequality when it comes to access and usage of land. The impact of these disasters usually affects the ability of other parts of the counties to guarantee food security for themselves and therefore slowing down global efforts on poverty reduction and crisis prevention. These disasters also reduce land rights and access by all community members, especially women. To achieve this, KAS is working with the state and non-state actors to promote and strengthen the participatory political environment and subsequently sound public policy frameworks in the target counties to improve food security.

Affirmative action is one of the pillars of democracy that KAS promotes in its food security project. In doing so, it is addressing the socio-political empowerment of local communities, especially women, to take an active role in promoting food security in terms of politics, policy cycle, and actual food production through the use of land as a factor of production in Baringo and Samburu counties. Due to the disasters mentioned above coupled with communal land ownership, which is widely practiced in the two counties, women typically have limited access to land to maximize productivity. It is notable that politics, policies, and other communal dynamics affect women's access to land by women. It is men who have significant decisions when it comes to land issues in these areas. Mostly considered as pastoralist community, the significant land mass is reserved for communal grazing while others are private ranches or conservancies, especially in Samburu county. This practice limits land access by community members, especially women, to undertake alternative livelihoods like agriculture, among others.

Communal land rights can only be attained through the community land registration process, as outlined in the Community Land Act, 2016 (CLA). The process is long, time-consuming, resource-intensive, and requires a series of public participation forums. In such discussions, there are many political and social interests mainly championed by men, leaving out women's voices in the process. These further limit their rights to land use in the long run. Technical officers who should ensure gender equality in land use are influenced by community gatekeepers and politicians, who are mainly men. This further derails the effort to maximize food production by women.

1 SOFA Team, and Cheryl Dos. 2011. "The Role of Women in Agriculture." Rome. <http://www.fao.org/3/am307e/am307e00.pdf>.

In light of the above, KAS, through consultants, undertook this study on ‘food security and access to land for women’ in the two counties to shed more light on the relationship between food security and access to land and possible recommendations of the outcomes. This assessment report summarizes how land access by women affect food security in the various livelihood zones within Samburu and Baringo counties and the best way they can be included in the planning and implementation phases. This report gives recommendations to influence future planning and implementation processes for securing women’s land rights for food security.

1.3 Study Objectives

The main objective of this study was to establish how land access by women affect food security in the various livelihood zones in Samburu and Baringo counties.

The specific objectives of the study were to establish;

1. How is local politics contributing to land access by women in Baringo and Samburu counties?
2. What are the challenges facing women when it comes to land rights and access to food production?
3. To what extent do relevant policies and county plans address gender equality in regards to land rights and usage in the two counties?
4. What mechanisms can provide for local politicians and local communities to work together in ensuring women have adequate access to land to maximize food production?
5. Is the County, non-state actors, representatives of women and farmers aware of any legislation or policies about land rights and access to food production?

1.4 Methodology

Data for this review was collected in Samburu and Baringo counties. In Samburu County, the research was conducted in Maralal town, Losuuk, Suguta Marmar, and Sere Olipi (Samburu West, Samburu North, and Samburu East sub-counties). In Baringo, the study was conducted in Loruk, Marigat, Kabartonjo, and Marigat Town (Baringo South, Baringo North, and Tiaty sub-Counties). The research methods included key informant interviews, focused group discussions, observation, and literature analysis. The key informants were officials from the county government, UN agencies, and non-governmental organizations. Focused group discussion with community members in Samburu and Baringo counties. A total of 70 respondents were interviewed. A total of six focused group discussions were conducted in Samburu and Baringo county. The consultants conducted a thematic analysis of the qualitative data.

1.5 Limitations

Interviews were conducted in English and Kiswahili with the help of an interpreter so there was a probability that some information might have been lost in translation.

2.0 Understanding Women Access to Land Rights for Food Security in Kenya

2.1 Food Security and Agriculture

The World Food Summit in 1996, described food security as the *state in which all people can at all times have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life*¹. Since the independence of Kenya, food security has been a mirage, of which there seems to be no panacea. Despite the government of Kenya instituting many legislative and institutional reforms to ensure that the country is food secure, the country is still faced with high food insecurity levels. Kenya Agricultural Research Institute (KARI) estimates that more than 10 million Kenyans are food insecure and dependent on relief food². Agriculture plays a pivotal role in the economy of Kenya. To the Gross Domestic Product (GDP), the sector contributes twenty-seven percent directly and twenty-seven percent indirectly through linkages with other areas such as tourism, industries, and exports³. It employs more than forty percent of the total Kenyan population and seventy percent of the rural communities⁴. The sector is a source of livelihood for an estimated more than eighty percent of the Kenyan people. This underscores the importance of the sector to food security in Kenya⁵. Agriculture is an enabler of food security either directly through farming or indirectly through employment and involvement in agricultural value chains.

2.2 Agriculture and Women Land Rights

In Sub-Saharan Africa, women are the main

contributors to agriculture through their involvement as farm workers or subsistence farmers producing food at the household level⁶. Despite the importance of women in agriculture, women continue to be denied access and ownership rights to land. Land is a crucial economic good that is important for agriculture and, consequently, food security. Denying women ownership to land and decision making over land negatively affects on-farm productivity, food security and also predisposes the households to the environmental and social shocks such as famine and conflicts. In rural communities, the land is the single most commodity that households depend on for their livelihoods; hence, access and ownership to land are vital to enhancing the livelihoods of the people.

Research shows that women's access to and control over land is essential in raising their status and influence within households and communities. Women's access to land and security of tenure positively impacts farm productivity, food security, and nutrition⁷. The disparity in land access brought about by patriarchal land ownership systems is the fundamental cause of social and economic inequalities between males and females. It jeopardizes food security at the household level, community level, and has an impact on national food security and development. Denying women access and control over land is a violation of their humans' rights; that is the right to a livelihood, food, and land as enshrined in the International Covenant on Economic, Social and Cultural Rights⁸.

1 FAO. 1996. *World Food Summit 1996*; FAO. Accessed October 2019. <http://www.fao.org/3/w3548e/w3548e00.html>.

2 KARI. 2012. *Policy Analysis: Food Security Portal*. Accessed October 23, 2019. foodsecurityportal.org.

3 FAO, Kenya. 2019. *Kenya at a Glance*; FAO. Accessed October 2019. <http://www.fao.org/kenya/fao-in-kenya/kenya-at-a-glance/en/>.

4 Ibid

5 Ibid

6 SOFA Team, and Cheryl Dos. 2011. "The Role of Women in Agriculture." Rome. <http://www.fao.org/3/am307e/am307e00.pdf>.

7 FAO. 2011. *WOMEN IN AGRICULTURE: CLOSING THE GENDER GAP*. Rome: FAO.

8 OHCHR, 1996-2006. *International Covenant on Economic, Social, and Cultural Rights*; OHCHR. [Online] Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

2.3 Policy and Legal Frameworks for Women Land Rights and Agriculture

Kenya has established a policy and legal edifice providing for women land rights and agriculture. Kenya is a signatory to several international conventions and treaties. Article 2 (6) of the Constitution of Kenya 2010 recognizes that “Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution.” Here is a quick mention of the regulations providing for land access and ownership in Kenya.

Table 1: Laws and regulations relevant to land governance

Law/Regulation	Related legislation
Provide for sustainable administration and management of land and land-based resources and connected purposes	<ul style="list-style-type: none"> Land Act of 2012
Provides for revision, consolidation, and rationalization of the registration of all titles to land to give effect to the principles and objects of devolved government in land registration	<ul style="list-style-type: none"> Land Registration Act of 2012
Provide for recognition, protection, and registration of community land rights, management, and administration of community land and to provide for the role of the county governments concerning unregistered community land.	<ul style="list-style-type: none"> Community Land Act of 2016
Provides for the rights and responsibilities of spouses with matrimonial law.	<ul style="list-style-type: none"> Matrimonial Property Act No 49 of 2013

Provide a legal, administrative, institutional, and technological framework for optimal utilization and productivity of land and land-related resources sustainably and desirably at National, County and Sub-county and other local levels.	<ul style="list-style-type: none"> Sessional Paper No. 3 of 2009 The National Land Policy
Calls on States parties to end discrimination against women in laws, policies, and practices, including through the adoption of transitory special measures.	<ul style="list-style-type: none"> The Convention on the Elimination of All Forms of Discrimination against Women CEDAW
Voluntary Guidelines are a reference and provide guidance in improving the governance of tenure of land, fisheries, and forests with the overarching goal of achieving food security for all and to support the progressive realization of the right to adequate food	<ul style="list-style-type: none"> Voluntary Guidelines on the Responsible Governance of Tenure of Land Fisheries and Forests (VGGTs)
The 2030 Agenda for Sustainable Development is amongst the policy frameworks globally referred to, on the criticality of natural resources for sustainable development. The sustainable and efficient management of natural resources is now imperative for the achievement of the 17 United Nations Sustainable Development Goals (SDGs)	<ul style="list-style-type: none"> Sustainable Development Goals.
The Framework and Guidelines on Land Policy in Africa adopted by the African Union in 2009, contains a specific section on strengthening the land rights of women.	<ul style="list-style-type: none"> Guidelines on Land Policy in Africa

3.0 Findings and Discussions

3.1 Baringo County

Baringo County covers 11,015.3 square Kilometres, of which 165 square Kilometres is surface water with altitude varying between 700 and 3000m above sea level. Key features include Kerio Valley on the West and Lobo Plain on the east¹. Livestock farming is the critical source of livelihood for the people and the main economic activity in the County. The County is mainly semi-arid with a few pockets for intensive agriculture. Mixed farming is mostly in the highland areas and pastoralism in the arid regions².

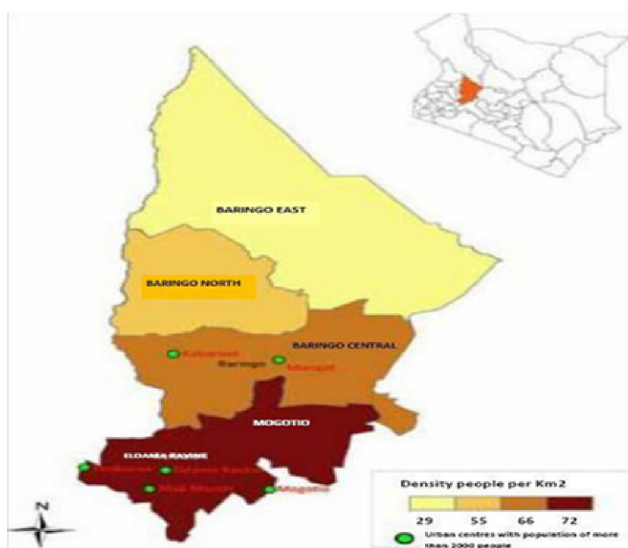


Figure 2: Administrative map of Baringo County

3.1.1 Land Ownership

The most substantial portion of land in Baringo County is community land, held in trust by the County Government. The community land ownership is predominant in Tiaty, North, and South Baringo sub-counties. The community land in Baringo South has been a source of conflict as a result of pastoralists searching for water and pasture for their animals, especially during drought. However, with the recent enactment

of the CLA2015, the existence of large portions of community land in the County is a big opportunity for development. The Act will enable communities to register their rights and interests in communal property and to prepare their plans for development, management, and use of that community land. Public land in Baringo is mostly found in urban areas and centres such as Kabarnet and Marigat, which were covered in the study area. Some residents also own land as private land and have title deeds to these lands. However, few women have land ownership documents to their property.

The women who have title deeds in Baringo mostly own land in the urban areas, and they acquired the land by purchasing. Much of the land in the rural areas of Baringo is owned by men, and women-only access land to use for cultivating subsistence crops. A majority of women in the rural areas of Baringo access and benefit from the community land by being married in the community and hence have a risk of being denied the right to access, use and control land should they be divorced. As a cultural practice, land inheritance is typically passed down to the surviving male children in the family, and therefore, women are not considered to be automatic heirs to the property of the deceased and only own land in the trust of her male children. However, women in Baringo can also own land only upon the death of their husbands but do not have complete control over the land because they still have to consult with the male members on how to use the land.

3.1.2 Livelihood options for women

The primary livelihood system in Baringo County revolves around pastoralism, where communities herd cattle and goats. This is mainly a preserve of the men who can move from one place to another in search of pasture and water for their animals because of the arid nature of the environment, which is characterized by long periods of drought. In the highland areas of Kabartonjo, men grow

1 MoALF. 2017. *Climate Risk Profile for Baringo County. Kenya Country Climate Risks Profile Series*. Nairobi: The Ministry of Agriculture, Livestock and Fisheries.

2 MoALF. 2017. *Climate Risk Profile for Baringo County. Kenya Country Climate Risks Profile Series*. Nairobi: The Ministry of Agriculture, Livestock and Fisheries.

high-value crops such as coffee and also keep hybrid dairy cows. However, women who have the cultural duty to take care of young children engage in growing subsistence crops in small plots such as cowpeas, millet, maize, and they also keep chicken. It is worth to note that women only get involved in growing crops enough to feed the family, and the plants grown are short-season crops, which also are produced in small pieces of land.

However, currently, women are venturing into new production systems such as beekeeping and fish farming. Women are in the marketing segment of the value chain of both beekeeping and fish farming, which is an indication that they control the financial aspects of these value chains. It has been found out that women who have financial control have some level of food security because they use the profits they get from selling the commodities to buy food at the household level to feed their families. In relation to access to land by women, most women invest less in improved farming practices such as irrigation, application of fertilizer because of the communal nature of land tenure and the insecurity that is witnessed in most parts of Baringo due to banditry and ethnic clashes seen in the ethnic borders of Pokot and Tugen, Pokot and Turkana and Pokot and Ilchamus. This indicates that there is a relationship between security and food production systems in Baringo, and women bear the most significant impacts of insecurity.

There is a remarkable increase in the number of poultry framers according to the information gathered from the Ministry of Agriculture, and women dominate this value chain. This can be explained by the belief amongst the Pokots that chicken is a low-value animal as compared to cows and goats, which is predominantly the men's domain. Secondly, chicken is sedentary and does not require one to move from one place to another in search of their feed. Therefore, women were more likely to embrace it as a form of livelihood to take care of their food security. Also, culturally, poultry is not a valued animal amongst the Pokot; therefore, men do not take pride in keeping them; hence, it is left to the women.

3.1.3 Local politics and women access to land

Women's participation in the governance of land in Baringo County is quite low. The County Assembly of Baringo has only four elected women representatives against a total of 36 elected Members of County Assembly, and one woman sits at the Land Committee in the County Assembly as a vice-chairperson. This presents a low opportunity for women to have their issues on land adequately represented and influenced by the county Assembly. Lack of women's participation in land governance is also a result of low awareness of the laws and policies available that women can exploit to secure their land rights.

The County Government of Baringo has established the department of lands and urban settlement, which is keen to ensure that land is used as a factor of production to promote economic growth. The main challenges in the land sector in Baringo is uncontrolled fragmentation, land speculation, reduced land productivity, lack of land ownership documents, and environmental degradation. According to the County Integrated Development Plans, the County Government of Baringo intends to improve public services such as accessible roads, improved water supply and has so far issued over 10,000 title deeds which play a significant role in securing land ownership and thus increase access to credit facilities that can be used to commercialise livestock and crop production³. The secured land ownership will also play a significant role in the reduction of conflicts that are associated with the land.

In ensuring that Baringo county has adequate and nutritious food, the County has partnered with the World Food Program to support the development of a robust system to curb hunger and food insecurity. The County will benefit from capacity building programs, social protection programmes, emergency preparedness, and response as a result of the partnership in the resilience project.

³ Baringo County Government. 2018. *County Integrated Development Plan, 2018-2022*. Kabarnet: Baringo County Government. http://www.baringo.go.ke/images/downloads/Budget_Documents/CIDP/Baringo-CIDP-2018-2022-Approved.pdf.

3.1.4 Challenges of women in accessing land rights and access for food production

Culture is one of the main challenges that women face when it comes to land ownership and by extension, food security. In Baringo County, across the ethnic communities, it is believed that women are viewed as children in society. Therefore, they cannot be given the responsibility and power to make decisions on access, owning and controlling land and the natural resources that are found therein. Men are viewed as the head of the family; therefore, are the sole decision-maker in the use of land. This goes even as far as deciding what crop to be grown on the land and what animals to be reared on the land. Culturally it is acceptable for women to grow certain plants such as millet, cowpeas, or have a kitchen-graduate owing to the short season and small area that the crops take as opposed to commercial farming. High-value crops such as coffee, which is found in parts of Kabartonjo and animals such as cattle, are dominated by men, and these have high monetary returns. This, therefore, means that women have less disposable income to use to purchase food items to attain food security and only depend upon the productivity of the land they till. In the face of drought or floods, then it means that food security will be adversely affected, and their families are more likely to go without food and even face malnutrition.

With the enactment of the Community Land Law, it provides an opportunity for women to be involved in the administration and management of community land. However, the ranches in Baringo are still in the process of being converted into community land, and there is little awareness creation amongst the rural communities on this process, which further locks women out of the management and administration of community land.

Different parts of Baringo, such as Baringo South, Baringo North, and Tiaty, do witness frequent insecurity issues such as banditry, cattle rustling, and natural resource conflicts as a result of looking for pasture and water for their animals. During occurrences of such conflicts, women bear the

most significant impact because they have the responsibility to ensure that the family is fed even in the face of conflicts. During such times, food to feed the family is very scarce and not readily available, and sometimes families, especially those living in the rural parts of Baringo in conflict-prone areas, go without food. On various occasions, their crops are destroyed, animals stolen or killed, and families displaced, therefore, losing their ability to obtain food.

Barriers to the formal and informal justice system have also presented challenges to women in the quest for land rights and food security. This can be cited in the cases where women from far-flung areas such as Mukutani or Barwesa have to rely on the informal justice system to resolve land-related disputes, which in most cases favour men. This is because the formal justice system accessed in courts is mainly found in the urban areas, which are several kilometres away, which is entirely inaccessible to women and the rural communities. They are therefore left to the mercy of local elders and cultural leaders to resolve the land issues, which in turn affects food security in the area because of uncertainty in whether one would ever plant and harvest his or her crop.

3.1.5 County plans and policies in relation to gender equality for women land rights

The office of the Woman Representative in Baringo County has set aside a kitty to be used in promoting the rights of women to own, use, and control land. This they do by providing pieces of training to equip women with knowledge and information on how to secure their land rights.

The most quoted legal document that was mentioned is the Constitution of Kenya because it is a common belief that all laws are anchored in the Constitution. However, beyond the Constitution, most of the focus group discussion did not mention any other legal instruments that govern land in Kenya. The most cited piece of legislation apart from the Constitution is the CLA, followed by the Marriage Act. There was a common consensus that

available policies do not work in favour of women because the former are not even aware that there are laws and policies that protect and promote their right to access, own and control land. Some of the respondents blamed the retrogressive cultural practices such as property inheritance from the deceased as being the leading cause of denial of rights to own and control land.

Amongst the key informants who were interviewed, there was a remarkable general understanding and knowledge of the policies and laws about land rights and food production. The County is in the process of developing relevant policies that should address the issue of women's access to land. However, a look at the draft policies such as Land Policy, Gender Policy, and the Agriculture Policy, they are silent in addressing land access to women.

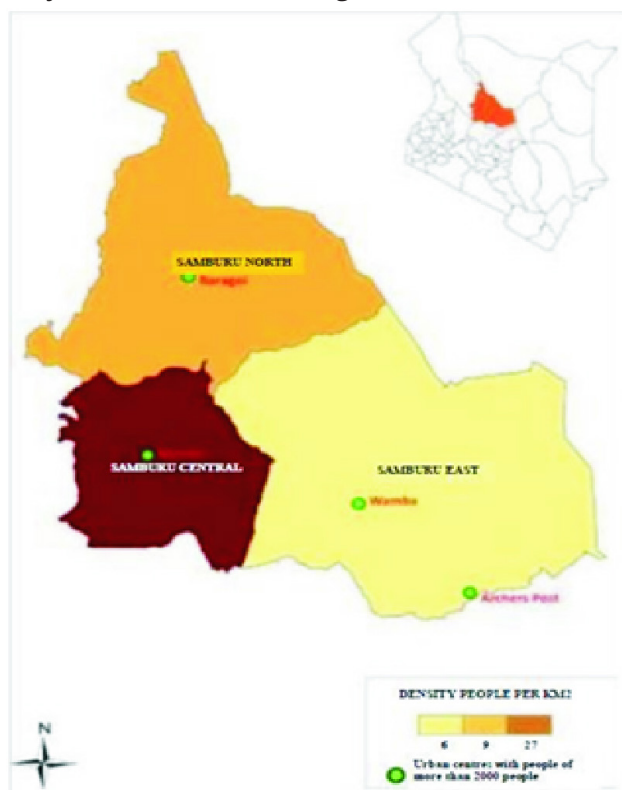


Figure 3: Administrative map of Samburu County

3.2 Samburu County

3.2.1 Land Ownership

There are three categories of land in Samburu County; Private, Public and Community Land. Community land is the most extensive form of land ownership constituting approximately 49.54

percent of the total landmass in the County, excluding gazetted areas. Community land exists either as unregistered community land or registered community land. The registered community land is group ranches registered under the repealed Group Representative Act but will be transitioned to community land in line with the requirements of the CLA of 2016. The County has a total of 43 group ranches, twenty-one in Samburu Central, ten in Samburu North, and eleven in Samburu East. The group ranches have a total of 26,551 registered members and cover an area of approximately 829,371.88 Ha (8,298.72 Square Kilometres).

The second category of land is public land, which constitutes approximately 16.05 percent (3373.09 Square Kilometres) of the total landmass. The land is set aside for public purposes such as roads reserves, hospitals, markets, and livestock sale yards. Public land is owned by either the national or the county government and managed by the NLC. The public land in urban areas has only been issued with letters of offer and is yet to be planned, surveyed hence registered per the law. The third category of land is private land constituting approximately 34.41 percent of the total land mass in the County. Private land is held under freehold tenure or the leasehold system. Private land under freeholds is predominant in the high agro-ecological zones of Poro "A" and "B," Losuuk, Suguta Marmar, Lpartuk, Loting, and Longewan. Leasehold is found mainly in urban areas through the allocation of public land to private entities.

3.2.2 Livelihood options for women in Samburu County

The main socio-economic activity in Samburu county is nomadic pastoralism. Approximately 58.3 percent of the households in the County engage in livestock keeping as their primary source of livelihood. The other livelihood options include charcoal burning, tourism, beekeeping, and crop production.

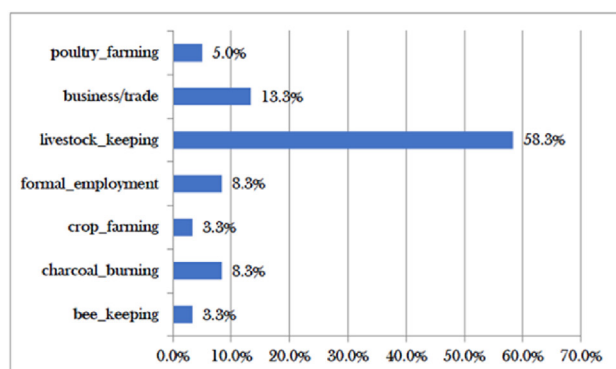


Figure 4: Socio-economic activities of Samburu County (FAO 2018)

With more than 75 percent of the land in Samburu classified as low potential rangelands receiving approximately 250-600mm of rainfall annually, the main socio-economic activity in the County is nomadic pastoralism⁴. Approximately 58.3 percent of the households in the County engage in livestock keeping as the primary source of livelihood. The other livelihood options include charcoal burning, tourism, beekeeping, and crop production.

Only 7 percent of the land is suitable for crop cultivation classified as a medium-to-high potential land⁵. This includes areas such as Poro, Baragoi, south Hoor, and Tuum with maize, beans, wheat, barley, fruits, and millet were the main crops being cultivated. We did not access the gender disaggregated data on land ownership of these lands, but from the focused FGD, it was established that men own most of this land. Generally, in Samburu County in rural areas, women undertake subsistence crop farming, goat and sheep keeping, small scale poultry farming, and charcoal burning. In urban areas, skilled women are gainfully employed in government, private companies, and non-governmental organizations. Non-skilled women mostly engage in small business enterprises.

3.2.3 Local politics and women access to land

The space that culture occupies in the socio-cultural lives of the people of Samburu cannot be understated. Whereas Samburu county comprises

several people from different ethnic communities, it is mainly inhabited by the Samburu and Turkana ethnic communities. These communities organize themselves along clans and families. In political contests, positions are shared amongst the clans. With a culture that believes men are the best leaders, women are rarely selected or elected into these positions. For instance, all the female members in Samburu County Assembly were not elected but nominated as an affirmative action measure. Women continue to vie for an elective position but are mostly not chosen. Even in community land arrangement where land is perceived to be owned by the whole community, men were the only ones who were included in the group ranch register. The culture and the attitude of the people are that men are the leaders. However, the situation is quickly changing with increased literacy levels, especially in urban areas such as Maralal and the surrounding towns of Kisima and Suguta Marmar, for the first time, a woman member of parliament was elected in Samburu West. This points to a change in people's perception of women as leaders.

The fourth Schedule of the CoK, 2010 mandates county governments with responsibilities in Agriculture, County Planning and Development, and trade development and regulation⁶. The functions, as mentioned above, require coming up with subsidiary legislation to support, among other things, women's access to land for agriculture and, consequently food security. Though the Samburu County Assembly has made some laws concerning land and agriculture. These laws are silent on women is such ensuring non-discriminatory treatment of women. Lastly, as counties hold the unregistered community land in-trust of the community. The county government leaders and the County Lands committee should embark on sensitizing communities on access to land rights, ensuring that women are included in the group ranch register and elected into the community land management committee.

⁴ County Government of Samburu. 2018. *County Integrated Development Plan*. Maralal: County Government of Samburu.

⁵ Ibid

⁶ GoK. 2010. *Constitution of Kenya*. Nairobi: Government Printers .

3.2.4. Challenges of women in accessing land rights for food production

Culture is the most significant impediment to women's access and ownership of land for food production in Samburu County. Women are allowed access to land, but ownership rights are a reserve of the men in society. This attributed to gender cultural norms that define how boys and girls are socialized and gender roles when they are adults. Boys are raised as leaders to decide on who accesses and owns land. Women, on the other hand, are built to be caregivers and make some decisions, but not all at the household level. Culturally men are the ones who can make decisions over land access and ownership. In the case of group ranches, men are the ones who are registered in the group ranch register, and women are only included only when they are widowed. With the ongoing subdivision of group ranches, women are not being allocated land, especially women who are divorced or unmarried. Not including women in the register also meant that they could not take part in the management decision of the group ranches, such as land use planning, land leasing, and voting to be included in a wildlife conservancy.

3.2.5 County plans and policies concerning gender equality for women land rights

The county government of Samburu has several plans, such as the County Integrated Development Plan, The County Spatial Plan, and the County Annual Plan. Whereas these plans speak to food security and securing land rights, they are silent to the plight of women, especially concerning ownership and access to land. The county department of gender, in collaboration with a consortium of NGOs working on development issues in Samburu County, has developed a gender policy that seeks to domesticate the affirmative action plans proposed in the Constitution of Kenya, 2010, into the county government action plan and project implementation. The policy aims to determine the gender dynamics and offer affirmative action plans and interventions in mainstreaming gender in Samburu County.

The County is also developing a Disaster Risk Management Policy, which seeks to come up with ways of mitigating disasters, especially drought,

conflicts, animal diseases, fires, and floods within the County. Women suffer most during catastrophe as they bear the burden of the care of the household, and in the event of disasters, women have to walk long distances to water points and hospitals. This policy proposes a gender-sensitive approach to mitigating and prevention disasters.

3.2.6 Opportunities for local politicians and communities for securing women's land rights

There exist opportunities for local politicians and the county government to defend women's land rights. The government of Kenya is implementing a countrywide exercise to register all the community land in Kenya. This is in line with the Constitution's requirement of all land in Kenya to be registered. With the enactment of the CLA of 2016 and after that, the regulations to operationalize the law passed in 2018. Group ranches are required to transition into community land whereas the unregistered community land needs to be registered in line with the requirement of the CLA.

The CLA requires that for a community to be registered, they need to have a register of all the community members, including men and women, boys and girls who are at least eighteen years of age. Hence, local politicians should raise awareness of local communities on this requirement and ensure that all the names of the women are entered in the register. Secondly, CLA requires that there should be a Community Land Management Committee, which consists of seven to fifteen members. Local leaders should encourage community members to elect women into these positions and ensure that the Constitution's requirement that all the positions should not have more than two-thirds of any gender.

The implementation of the CLA of 2016 offers opportunities for local politicians and county government officials to ensure that women are involved right from the start of the process not to tick the box but for their views and opinions to be accepted and respected. This will only be achieved if local politicians are enlightened on the provisions of the laws and the importance of women's access to land rights for food security.

4.0 Conclusion

Land is an essential factor in production, poverty reduction, and food security. Women constitute the poorest and most vulnerable group in Samburu and Baringo counties. They are involved in agriculture as a leading source of livelihood, and the sector is crucial to their livelihoods. Women continue to face many challenges in access and ownership of land, which increases their vulnerability to food insecurity. The government of Kenya has laws that guarantee women access to the property and prohibits any form of discrimination against any gender. Nevertheless, the situation on the ground is different as women's security of tenure is not guaranteed both on private and or communal ownership of land. Insecure women's land tenure is attributed to a lack of knowledge on land laws, and more importantly, the patriarchal land ownership practice, which is primarily influenced by culture.

Local politicians and other leaders are influential since they set agendas for communities both at the county assembly level and at a community levels. Eliminating discriminatory policies that deny women rights to own and control land, ensuring that women are aware of laws and policies that govern the land, and giving women a voice in decision making at all levels is essential for mainstreaming gender within agriculture and food security programming and policy. The increased participation of women and their empowerment, which includes giving them better if not equal access to resources such as land and credit, are essential components of sound social and economic policy. Empowering women to take leadership roles, including political posts will also go along in improving their awareness in issues related to agricultural development and food security for the community as a whole.

5.0 Recommendations

The following are the recommendations based on the findings of the overall study in Baringo and Samburu Counties;

- Promote women's effective participation on land governance units from the local level to the national level through awareness raising and access to information among women regarding land laws and policies.
- Support education and capacity building for government officials, legislators and land officials on women's land and property rights and promoting women's access and rights to land in customary law by supporting women's participation in bodies responsible for interpreting customary law.
- Non-governmental Organizations should work with local leaders such as Members of County Assemblies, Members of Parliament, religious leaders to advocate for women's rights.
- There is a need to establish and strengthen gender-sensitive Alternative Dispute Resolution mechanisms to promote access to justice for women's land rights.
- The county government should increase budgetary allocations for interventions aiming at improving food security in Baringo and Samburu Counties.
- The county government should ensure that community members comply with all the requirements of CLA; more importantly, the inclusion of women in the community land register.
- There is need for awareness creation programs by government and non-governmental organizations to enlighten communities on their land rights, principles of the CoK, 2010, on non-discrimination of women, including those on participation and consultation.
- The department of agriculture should include the establishment of women-only farmers field Schools to encourage peer to peer learning in their annual plans.
- The county government should increase public financing for agriculture following the Maputo declaration directs that the national budget on agriculture should be more than ten percent of the total budget.
- Strengthen women's organizations in rural communities and support their participation in land governance so that their needs and priorities are taken into account.
- Improve access to services for women in agriculture through access to agricultural extension services by increasing staff recruitment of extension and outreach officers in Baringo. Currently the ratio is at an average of 1:1331 yet the ideal ratio should be at 1:400.
- Improve women's access to credit facilities and inputs needed to increase agricultural yields thus improve food security through establishment of input subsidy programs.
- Include and promote participation of women in emergency related food security planning and decision making because of their specific roles and experiences in food production and preparation

BIBLIOGRAPHY

- Action Aid. 2016. *Rural Women Land Rights Charter of Demands*. Nairobi: Action Aid Kenya. https://kenya.actionaid.org/sites/kenya/files/rural_women_land_rights_charter_2016.pdf.
- Action Aid. 2016. *Rural Women Land Rights Charter of Demands*. Nairobi: Action Aid Kenya.
- Baringo County Government. 2018. *County Integrated Development Plan, 2018-2022*. Kabarnet: Baringo County Government. http://www.baringo.go.ke/images/downloads/Budget_Documents/CIDP/Baringo-CIDP-2018-2022-Approved.pdf.
- County Government of Samburu. 2018. *County Intergrated Development Plan*. Maralal: County Government of Samburu.
- FAO. 2018. *Baseline Survey for the Land Programme*. Nairobi: Food and Agriculture Organization Representation in Kenya .
- FAO. 2011. *WOMEN IN AGRICULTURE: CLOSING THE GENDER GAP*. Rome: FAO.
- . 1996. *World Food Summit 1996; FAO*. Accessed October 2019. <http://www.fao.org/3/w3548e/w3548e00.htm>.
- FAO, Kenya. 2019. *kenya at Aglance; FAO*. Accessed October 2019. <http://www.fao.org/kenya/fao-in-kenya/kenya-at-a-glance/en/>.
- GoK. 2010. *Constitution of Kenya*. Nairobi: Government Printers .
- Kameri-Mbote, Patricia , and Muriuki Muriungi. 2018. *Assessing Women's Land Rights and Food Security in Kenya: Challanges and Opportunitites*. Washington DC : Annual World Bank Conference 2018.
- KARI. 2012. *Policy Analysis: Food Security Portal*. Accessed October 23, 2019. foodsecurityportal.org.
- Miller, R. 2017. *Samburu Women* .
- MoALF. 2017. *Climate Risk Profile for Bairngo County. Kenya Country Climate Risks Profile Series* . Nairobi: The Ministry of Agriculture, Livestock and Fisheries.
- OHCHR. 1996-2006. *International Covenant on Economic, Social and Cultural Rights:OHCHR*. Accessed October 2019. <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.
- SOFA Team, and Cheryl Dos. 2011. "The Role of Women in Agriculture." Rome. <http://www.fao.org/3/am307e/am307e00.pdf>.



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