



Land Governance in an Interconnected World

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GENDER-DISAGGREGATED DATA: A KEY PREREQUISITE FOR REALIZING WOMEN'S LAND RIGHTS IN AFRICA

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Abstract

There is a growing momentum in Africa to further strengthen women's access to and control over land and natural resources. One leading example is AU's Agenda 2063 which aims to ensure that rural women have access to and control over productive assets, including land. One obstacle however is the lack of gender-disaggregated data, crucial toward monitoring and tracking progress at the local to regional levels. GROOTS Kenya and LANDac aimed to address this challenge in Kenya by piloting a community-led land mapping model which was developed through desk and grassroots research. This paper presents the results of these activities to demonstrate how the country should proceed in terms of generating gender-disaggregated data on land. We question whether the state should actually rely on formal registries in desegregating land data as well as provide empirical evidence from the grassroots to feed into the ongoing debate on perceived ownership and the SDGs.

Key Words: Community-led land mapping; grassroots; Kenya; co-production; scaling women's land rights



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Gender-disaggregated data: A key prerequisite for realizing women's land rights in Africa

Introduction

Women on average comprise about 43 percent of the agricultural labor force globally (FAO, 2011)—and likely an even larger share in many developing countries where much of the contribution and engagement of women in agriculture and food security remains veiled in the informal sector (FAO, 2016). Yet women typically do not have equal rights of access, control and ownership over land and natural resources. Especially in Africa, gender discrimination in land is common and prevents women from realizing their full potential and contributing to sustainable development. Despite their key role in securing household and community wellbeing, women own less land, and often only have access through male relatives or joint ownership with reduced decision-making power. Women additionally have reduced ability to inherit land in case of divorce or death of a male family member. Young, single and less-educated women are especially disadvantaged. The benefits of strengthened rights for women go beyond gender equity and extend to poverty reduction and sustainable economic growth and development: women with stronger property rights earn more money, have more savings, and are less likely to experience domestic violence. Women who own land also have more resilient families; more money is dedicated to education, and children are less likely to be sick and severely underweight (Landesa, 2017).

Given the enormous contribution to sustainable development, there is a growing momentum in Africa to further strengthen women's access to and control over land and natural resources. Civil society engagement and advocacy on women's land rights is increasing and women are leading actors in these grassroots organizations and movements. For example, the Kilimanjaro Initiative (women2Kilimanjaro) has mobilized rural women from 22 countries across Africa toward the development of a rural women land rights charter that is informing the AU and its member states in enhancing security of land tenure for rural women. The architecture of equality has been further strengthened by the African Union Declaration on Land Issues and Challenges in Africa and the Framework and Guidelines on Land Policy in Africa. Women's land rights are additionally solidified in the international agenda as land issues are now being addressed under the SDGs, to help eradicate poverty and 'leave no one behind,' through SDG indicators 1.4.2 (ending poverty through secure land rights and legal documentation for all) and 5.A.1. (achieving gender equality and empowerment through ownership or secure rights over agricultural land as well as guaranteed equal rights to ownership under legal and customary frameworks). At continental and country levels, institutional commitments are made to give a policy response to secure women's land rights. One leading example is the AU's Agenda 2063 which is guided by its vision of, "An integrated, prosperous and peaceful Africa,



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driven by its own citizens and representing a dynamic force in international arena” (AUC, n.d.). Part of this equitable framework requires that at least 20 percent of rural women have access to and control over productive assets, including land. Parallel conversations at the regional level have raised this target to 30 percent by 2025. At the country level, Kenya has flagged land reforms as an enabler in achieving its Vision 2030-Medium Term Plan (2017-2022). Among the most anticipated reforms is the development of a Land Management Information System (LMIS) that will improve access to gender disaggregated land data.

Despite significant attention from academics, civil society and policy makers alike, progress in assuring women’s land rights has been stalled by multiple barriers. First, the topic does not generally enjoy a significant share of attention or resources in multi- and bilateral strategies (Giovarelli and Scalise, 2016, p. 31). Likewise, meaningful data on gender inequities is largely absent, such as data related to the role of women in agriculture (FAO, 2016) or the gendered differences on land ownership and control across and within countries (Doss et al., 2013). Additionally, the implementation of positive legislative changes has lagged behind and discriminatory provisions in national policy and legal frameworks remain. Even if a country has a gender-equitable legal framework, proper implementation of these laws is often lacking, and enforcement institutions are often weak. Investing in women is an investment in development. Without persistent and scaled-up attention and support, any progress becomes cosmetic and marginalization remains endemic to the detriment of all. Fortunately, opportunities for scaling proven approaches exist; these actions, based on the voices and experiences of grassroots women, contribute to empowering women and raising awareness at the local to international levels.

The activities discussed in this paper form part of a four-country action research program, funded by the Dutch government, on scaling up grassroots initiatives that work toward strengthened women’s land rights in Senegal, Mozambique, Kenya and Malawi. The program’s approach is based on the principle of putting empowerment into practice, through close collaboration (or co-production) between academic researchers and selected civil society organizations (CSOs) and local communities. The AU commitment to ascribe 30 percent of new registered land rights to women is our starting point as this AU commitment is an important opportunity to be taken at the pan-African level to further promote women’s land rights. However, because this target and percentage can be misleading—the definition of ‘tenure security’ can vary per context—this program stresses the importance of generating and using appropriate knowledge from the grassroots. This paper, based on the preliminary results of bottom-up research and mapping activities conducted in two counties in Kenya by GROOTS Kenya, a local CSO, and LANDac, The Netherlands Land Academy, does just that: We provide insights as to whether the state should actually rely on formal registries in



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disaggregating land data; we also provide empirical evidence on lessons learned and best practices to feed into the ongoing debate on perceived ownership as well as the SDGs, vis a vis registered ownership of land, by both men and women. Finally, we demonstrate how the country should proceed in terms of generating gender-disaggregated data on land. The project builds on and informs the Dutch government's broader commitment to promote gender equality. At the same time, our actions also link and provide additional impetus to important regional and global sustainability movements and initiatives such as Women2Kilimanjaro, the AU commitment to strengthen women land rights, Kenya's LMIS as well as the Global Goals.

Background

Land in Kenya is categorized into three types: Community, public, and private. Community land accounts for approximately 68 percent of the total land area, private land accounts for approximately 19 percent while 13 percent of land in the country is public land. Community land is land owned collectively by people with a common ethnicity, culture or similar interest with undivided shares. Membership for men is achieved through inheritance while women access land through marriage, or by exception through co-option: the inclusion through resolution of the executive or general assembly. This latter avenue is likely to change with the adoption of the New Community Land Act of 2016 and related regulations. Here, grouped ranches will become community land under the soon to be implemented Community Land Act 2016 (see Box 1). Private land is land held by any person under any freehold or leasehold tenure and is acquired through inheritance, subdivision, or purchase. Box 1 briefly outlines the legal framework that backs gender equitable land use, control and access.



Box 1: Legal framework supporting gender equality

Article 27 of the Constitution of Kenya (2010), which provides for equality and freedom from discrimination under the Bill of Rights, states:

- Every person is equal before the law and has the right to equal protection and equal benefit of the law;
- Equality includes the full and equal enjoyment of all rights and fundamental freedoms;
- Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres;
- The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

The Community Land Act of 2016 repealed the Land Act (Chapter 287 of the Laws of Kenya) and the Trust Lands Act (Chapter 288 of the Laws of Kenya). The act gives effect to Article 63 of the Constitution of Kenya which provides for the classification of community land. The act stipulates that anyone who has a claim to community land should be able to register and that all community members should be included in the register. The Act establishes a Community Land Management Committee (CLMC) which shall be elected by a community assembly consisting of all adult members of the community. The CLMC shall adhere to the not more than two-thirds gender principle of the constitution, and hence provides a guarantee that at least at the minimum one-third of the CLMC will be women.

The AU target is achievable if member states and other actors: 1) invest in the enablers such as legal and policy reforms; and 2) deal with persistent obstacles such as violence against women, harmful social norms and customary practices—particularly prevalent in Kenya—and the lack of gender-disaggregated data. While there is concerted effort toward policy reforms which guarantee equal opportunities to land rights for both genders, the role of addressing social and cultural obstacles has been left to non-state actors. Gender disaggregated data remains a leading challenge. The Agenda 2063 underscores the importance of monitoring and accountability, yet this lack of gender-disaggregated data has made it almost impossible to monitor and track progress on women’s land rights at the regional, national and local levels. Our study, based in two counties in Kenya, aims to provide insights on how we can reduce this gap.



Research framework and rationale

The activities described in this paper form part of those conducted within a four-country action research program funded by the Dutch government that aims to scale up promising grassroots initiatives for strengthened women's land rights in Senegal, Mozambique, Kenya and Malawi. Given its potential impact on structural change through collaboration at all levels, the essence of the program lies in the repositioning of conventional modes of study through the construction of a more legitimate action research agenda for advancing women's land rights in Africa. As such, the four-country program takes a co-production approach through robust data collection with grassroots CSOs and local communities as a means of filling the gaps in resources and capacity needed to achieve progress. It means integrating research from conception to reflection and dissemination as a locally-embedded process that demonstrates the enormous capacity of community groups to deliver and own information for development and ability to build long-term relations for problem solving.

This paper is based on the preliminary results garnered within two counties in Kenya by GROOTS Kenya and LANDac. GROOTS Kenya conducted an expert-led research and mobilized local groups for community-led land mapping to: and 1) identify any discrepancies between ownership information contained in the national land registry and information at the local level; and 2) understand local perceptions on land ownership and use; LANDac supported GROOTS Kenya with research expertise but additionally collected data. LANDac research, aimed at complementing the mapping exercise, was strongly based upon the current and past activities of GROOTS Kenya—an organization which has built a strong land rights champions movement over the years. Through a blending of grassroots and practitioner knowledge and experience, and academic research expertise, GROOTS Kenya and LANDac worked together with the local communities to generate the contextualized information necessary to support important regional and global sustainability movements and initiatives such as Women2Kilimanjaro, the AU commitment to strengthen women land rights, Kenya's LMIS as well as the Global Goals.

This collaborative, bottom-up approach was necessary for a few reasons. First, Kenya is home to more than 40 ethnic groups dispersed across 47 counties, with public, community and private land types; these land types guide the country's tenure systems, or the formal and informal processes and rules that guide decisions and use of land (FAO, 2012). Second, the study included specific vulnerable groups including the elderly; poor women and men; widowed and divorced women; and women in polygamous families. These



characteristics required activities to go beyond a conventional research approach to reveal the substratum of local contexts and to support appropriate solutions for the most marginalized.

Study sites

Research was conducted in two locations: Mukogodo West Ward, Laikipia County and Butso North Location, Kakamega County. These locations were selected based on the main land tenure system in the area. In Mukogodo West Ward, the research focused on nine grouped ranches where community land is the prevailing land category. In Butso North Location, the majority of the land is privately owned. With both locations at opposite ends of the tenure system continuum in Kenya, these areas provide a good platform to showcase the role of grassroots women in producing citizen-generated and gender-disaggregated data under the two categories of land.

Mukogodo West Ward

Mukogodo West Ward, located in Laikipia North sub-county in Laikipia County, is classified as an arid and semi-arid area (ASAL) where land, more suited to livestock production, is held under both community and private land systems; the Maa are the dominant community. Community land is governed under a group ranch framework which, first implemented in the 1960s, aimed at managing human and livestock populations and ASAL resources (Ng'ethe, n.d.); each group ranch has approximately 100-1000 members and is governed on average by an elected five-member executive committee. Nine group ranches were targeted in this study; 1) Kojja; 2) Ilmotiok; 3) Tiemamut; 4) Musul; 5) Kijabe; 6) Nkiloriti; 7) Ilpolei; 8) Munishoi; and 9) Murpusi.

Group ranches cut across geographical locations and sub-locations but not ward boundaries, hence the justification of conducting activities at the ward level—the realistic administrative boundary to undertake the study. Each group ranch consists of listed members that constitute the assembly and an executive. Community land is managed by the group ranch executive. The group is male dominated and enlisting members to the assembly has been highly patriarchal; this has weakened women's engagement in matters of community land governance, but also their ability to take an active role in the community. For example, one woman stated:

It would be good if women were also written into the register, so the sharing of the dividends can be equal. Right now, it is only husbands who can claim for anything. If I want something, the claim



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has to be made through my male relative who is written in the register (Interview Meshami, 21/11/2017).

Although a new law, the Community Land Act, was enacted in 2016, the regulations have not yet been published; the law is not yet effective. It is expected that once this law is enacted, women's rights to community land will be enhanced. The land in the group ranches is mainly used for grazing, settlement, nature conservancy and sand harvesting. Recently, the area has been the site of resource conflicts mostly between private landowners and nomadic pastoralists searching for pasture and water, especially problematic as a result of a changing climate.

Butsoto North Location is the mirror opposite of Mukogodo West. Located in Navakholo sub-county in Kakamega County, the area receives a great deal of rainfall (approximately 1970 mm annually) even in the driest months. Most land in this area, and in Kakamega in general, is categorized as private. The Luhya tribe forms the main ethnic group in the area, a culture with a strong patriarchal system and polygamous marriages. In many instances customary practice violates statutory law (which guarantees equal rights to land for women). Land succession and subdivision are the main sources of conflicts. In many cases succession is never made official, causing heavy intra-family conflict between sons (and sons of different wives). For years, GROOTS Kenya has trained local champions (Paralegals) through the community watchdog model to map and address retrogressive cultural practices such as the disinheritance of widows and orphans.

Methodology

Information for the study, used to create a baseline on women's land rights at the local level, was collected in parallel through desk research and field-based, community-led land mapping to identify land control and ownership characteristics not necessarily captured by the formal statutory process. To identify contradictions, desk research findings were compared with the mapping results, as described below. These activities were complemented by interviews conducted by a LANDac researcher.

Desk research

Desk research was first used to analyze all official land registration documents for the two study areas. In Mukogodo West (community land, Laikipia), the aim was to understand the number of women and men who are officially registered as members of the group ranch executives and as ordinary members of the



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group ranches. An analysis of group ranch land maps and the official member registry allowed the subsequent disaggregation of membership into men and women for each ranch.

In Butsotso North Location (private land, Kakamega), the aim was to discern the percent of private land owned by men and women as per the official state records. All national land registration documents were used to narrow down ownership in terms of gender. The disaggregation was conducted through a search of all title deeds to identify: a) registered ownership; b) existing claims on registered land (i.e., contested ownership); and c) registered title deeds already surrendered for further subdivision which allowed us to uncover any ongoing legal transfers of land from males to females and vice versa. We further, established whether land registered to women (if any) was acquired through inheritance, allocation or acquisition. The results were compared with findings of the community-led mapping to show any contradictions between the official land registry and actual status of land ownership and control on the ground.

Community-Led Land Mapping

To generate citizen data on perceptions of land ownership, mapping methodology included a household survey in nine villages at the ward level in Kakamega and nine structured interviews and two focus group discussions in each of the 9 group ranch in Mukogodo West, Laikipia. The tool was developed by GROOTS Kenya with feedback from LANDac the researcher based on her expertise in research design and participatory research methods; the tool was further adjusted based on the inputs of local enumerators and GROOTS Kenya sub-county coordinators. After the tool was tested, a final version was distributed among the local enumerators. IBM SPSS Statistics for Windows (Version 24.0) was used to analyze the data which in turn was compared with the gender disaggregated data found at the national level through desk research.

To begin, inception meetings were held in both Mukogodo West (Kakamega) and Butsotso North Location (Laikipia) with local administrators, key community and church leaders, women and men champions, and group ranch executive committees. The main objective was to introduce the program, highlight its importance to the community as well as obtain and incorporate community inputs. Building good will, incorporating indigenous knowledge and fostering ownership was pertinent to the process. The recruitment of research assistants and joint development of the mapping tools were key outputs generated from the community engagements. Research assistants for this exercise were recruited from within the target communities in a process that involved consensus building among community members. The recruitment took into consideration inter alia the issues of age, region, and gender. With strata based on village or group ranch boundaries, research assistants were drawn from each village/group ranch and included young and old women and men who could speak the local language as well as write and speak English. With GROOTS



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Kenya coordination and combined training from GROOTS Kenya and LANDac, local community members took the reins to effectively and efficiently map women’s land access, ownership and control.

In Butso North Location (Private land), land mapping was completed through a household survey targeting roughly 2500 households (50 percent of the total no of households). Cluster sampling, based on the old village administration boundaries (Census 2009), was used to generate 18 Clusters. GROOTS Kenya then conducted a household listing exercise to ascertain the number of households in each of the 18 clusters (see Annex). A random sample was then performed to select nine villages; all households in the nine villages were included in the survey. Table 1 shows the sample villages and their respective number of households based on GROOTS KENYA household listing exercise.

Table 1. Sample villages and their households

Sublocation	Village	No of households
Matuha	Mushiashi (A & B)	332
	Emulama (A & B)	372
	Mwitumbu	212
	Munduma/Eshilongo	249
	Munenga	172
Ingotse	Emukata	217
	Ematende/Obulamu	338
	Eshironyanga(Eshirakalu)	308
	Bushili	208
Total households Sampled		2408

In Mukogodo West Ward, Laikipia County (Community Land), the land mapping applied two methods: key informant interviews and focus group discussions (FGDs). Nine key informants per ranch were identified through quota sampling whereby the composition of ranch membership was identified; convenience and judgement sampling were used to select three board members (Chairperson, Secretary, Treasurer) of the executive ranch committee; two women ranch members; two local ranch administrators; and two non-executive board members. These interviews were then keyed into SPSS and analyzed.

In every group ranch, two FGDs were also held (one women-only and one of mixed gender). The women-only FGD was used to create a safe space; Maa women face difficulty in participating in both household and community affairs as well as in speaking out due to oppressive patriarchal social norms. Indeed, one



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common point that emerged from all FGDs was that Maa culture dictates that when a man speaks, a woman cannot stand up and talk.

Findings

Kakamega County

Percent of land owned by women as per the land registry

According to the information held in the land registry, women own or control about 7.7 percent of the total titled land in Butsoso North Location (250 acres out of a total of 3237 acres) with registered male owners holding roughly 92 percent (or 2987 acres). It important to note that as Butsoso North Location measures 8401.58 acres, this shows that only 38.53 percent of the land is titled.

Percent of women with secure tenure as per the land registry (title deeds only)

Only 4.6 percent of title holders are women while 88.3 percent are men, as shown in the table below.

Table 2. Parties of ownership

Type of Ownership	OWNERSHIP_PARTIES	
	Frequency	Percent
F	90	3.5
FF	27	1.1
M	1351	53.1
MF	179	7.0
MM	895	35.2
Total	2542	100.0

Percent of women with secure tenure (legal documents and perceptions)

Primary data, collected from roughly 2500 households in Butsotso North Location illustrates that of all the responded who perceived their right to land as secure (through mere perception and/or through possession of legal documents) 8 percent were women against 92 percent men. This is percentage is high compared to that of 4.6 percent (women) and 88.3 percent (men) generated using secondary data from the registry. This discrepancy can be attributed to land “subdivisions,” a practice where households divide land among family members without registering the division with the state. The primary data shows that 86.4 percent of respondents had subdivided land with an average of three beneficiaries. Even though beneficiaries (both men and women) of subdivided land felt secure, this subdivision is not reflected in secondary data available at the land registry and new types of land use and control are not formally recorded. Such discrepancies can



distort the baseline on land that is under the control of women. However, it's important to note that the survey established that the beneficiaries of the subdivision are largely male and account for 93.6 percent.

Laikipia

In Laikipia, the right of access to community land, namely a recognized stake in a group ranch, is the leading means to secure tenure. A stake is derived through registration as a member to a specific ranch. Historically, cultural practices make it hard for girls and women to make any strides toward secure land rights because they are exempted from inheriting their father's property. Women therefore only gain a stake in the group ranch through marriage whereby wives become members through their husband's registration. Their names are not included in the ranch register. Some Group ranch by-laws provide a caveat by outlining the registration of unmarried women after the age of 35 with a justification that the unmarried woman and her children may not have anywhere else to go. For this reason, therefore, they are entitled to access group ranch land. However, according to Jennifer, a FGD participant in Laikipia:

The Maasai culture openly undermines women's rights and participation. In group ranch registration for example, a two-year old boy is given priority over a 30-40-year-old woman (23/02/2018).

In cases where women are married to non-members or men from a different community, their stake is null and void as they don't hold a claim to their parent's land. Such women are presumed to be members of the group ranch where they are married, through association with their husbands. This is a very precarious situation for a woman who is separated or divorced from her husband.

An examination of the nine group ranch registries acquired from the Nanyuki Land Registry shows that the majority of the group ranches have less than 10 percent female registration with outliers being Koiya and Tiemamut (with roughly 36 and 30 percent respectively). According to the data, some ranches have no single women registered as members.

Table 3. Registered members, disaggregated (%)

Group ranch	Total # of registered occupants	# of men	# of women	Male %	Female %



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Kijabe	123	123	0	100	0.0
Musul	336	335	1	100	0.3
Munishoi	58	57	1	98.3	1.7
Nkiroriti	176	176	0	100	0.0
Ilipolei	161	157	4	97.5	2.5
Koija	590	409	181	69.3	30.7
Ilmotiok	262	242	22	91.7	8.3
Murpusi	923	914	9	99.0	1.0
Tiemamut	907	577	330	63.6	36.4

However, the data generated through KIIs and FGDs did not tally with that collected at the land registry. The data illustrate a higher membership of members in general which include more women as compared to the official registries. Major discrepancies are due to the fact that group ranches approve new members but do not update their registries. Some ranches, such as Kijabe, have not updated their registries since their formation in 1976. As a result, these registries only reflect the names of the initial beneficiaries. For example, sons who have attained 18 years and who have inherited membership from their fathers are not yet included in the registry. According to one member of the group ranch, there are approximately 700 members missing from the registry. Additionally, the registries that include the newer members are not considered official as they have not been submitted to and approved by the Ministry of Land. According to the Chairman of Murpusi Group Ranch, the community assembly had already passed a resolution to include women in the group ranch register; he even estimated the number of women in the “new” register to be around 900. He ultimately cited a lack of resources as the major challenge delaying the updating the community land register. However, some members say that this a minor issue as ranches generate income from resources such as sand harvesting. Sand, obtained from communal land, is a lucrative business in many ranches as it brings a considerable amount of money into the group ranch treasury. This income from the commercialization of community land, collected and managed by the executive committee, is supposed to be distributed among the community for example in the form of bursaries. As a result, this income could be used to update land registries. This topic—namely the management of land, its different uses, and the main beneficiaries of use—tended to spark lively discussions in the FGDs. There seems to be very little transparency in the amount of money coming in and how this is used (FGDs Laikipia). Behind this is often



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the politics of disinheritance, whereby the people in power prevent the community from officially expanding so the sharing of any benefits is restricted to a select group of families. Power dynamics within the grouped ranch are also strongly divided along the lines of rich and poor. For example, many of the richer ranch members managed to buy land outside of the ranch due to inherited wealth or from a well-paying job because they had access to a good education (Interview Manager Ipolei 20/11/2017; Chairman Ipolei 25/11/2017; Female board member Ipolei 25/11/2017; Kadop Kiner 21/11/2017). When looking at land management of the group ranches, we can thus talk about a tragedy of the commons whereby a small minority (often not resident) depletes the land by overgrazing and intensive sand harvesting. This points to an additional need: a proper land use management plan that moves beyond zoning the ranch into grazing, residential and conservancy areas to one that reconsiders the fragility of the ASAL environment and where women stand eye to eye with men as community decision makers.

Roughly 57 percent of respondents in Laikipia said that ranches have embraced the need to include women in the registry. This does not however align with what is observed in the official registries, with majority of the ranches claiming women have been approved for membership but are not reflected in the existing data at the land registry as their ranches yet to officially update the register. The change of perception on women claim in community land could be attributed to evolving legal environment, specifically the enactment of the Community Land Act 2016.

It is important to note that the exclusion of women in the community land register has undermined their right to participate in Group Ranch Executive elections (both as candidate and as a voter) and 2) to play a critical role in land use planning and in the allocation of resources/income available and generated from the ranch. However, women's engagement on these matters (or lack thereof) vary across group ranches. It was noted that some group ranches have included women in their executive committees through co-option. The Effectiveness of Co-Opted Women committee members role and voice could however not be ascertained.

Discussion

This working paper is based on primary and secondary data related to two counties in Kenya: Laikipia and Kakamega. The analysis, including both community and private land types, has shown that clear differences exist in terms of data on land control and ownership in both categories of land. This begs the question: why? The results thus provide a first-hand indication that the state should not rely solely on the current formal registries to disaggregate land data or generate a baseline. One clear conclusion is that the process of land titling is not commensurate with the rate of land transitions. The overall process of land registration in



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Kenya (which is viewed locally to involve significant resources such as out-of-pocket costs and time as well as various technicalities) and institutional mismanagement (largely extortion and corruption) does not provide enough incentive to pursue formal land registration. This is especially the case for women as the process weighs more heavily on women compared to men. Women have less financial muscle compared to men and they have less time to follow such a costly and rigorous process, owing to the time spent at home doing unpaid care work. Additionally, data on literacy levels still show that women lag behind and hence are likely to be discouraged by the overly-technical process. In both locations, women who are particularly challenged by this onerous process include those who are poor, elderly, young, widowed and divorced, and women in polygamous families. Given new types of land use and control, it is therefore paramount for the government to accelerate the process by subsidizing the costs of land registration, by simplifying the process (for example by transitioning to a web-based system as envisioned under Vision 2030), and increasing access to the land registry offices by further devolving registries to the ward level. Best practices on automation and devolving of public services have already been demonstrated through such initiatives such as Huduma Centres, E-citizen Database, NTSA-Transport Information Management Systems, and Kenya Revenue Authority -I-TAX. It is essential that we establish land information systems that not only accelerate the registration of land, but also simultaneously and seamlessly mainstreams the disaggregation of land data in terms of gender. This in turn can feed into tracking implementation of the SDGs, vis a vis registered ownership of land, by both men and women.

The new Legal environment governing community land has generated significant internal will to address the gender gaps in the community land governance. The new institutional arrangement (Office of community land registrar) need to leverage on this fresh goodwill and not be haunted by the persistent land administration ills that have haunted the existing land administration structure. Achieving equitable land rights for men and women as envisioned by this Act (Community Land Act-2016) and the Constitution of Kenya ought to be principle number one for this newly created institution. Legal land reforms ought not to be halted by administrative challenges if we draw lessons from the past.

Achieving equitable land rights for women and men is a complex challenge. In terms of generating disaggregated data on land, building blocks at the national level include a supportive national legislation, sufficient budget allocation, an agreed upon methodology that fits into national land information guidelines, as well as strong institutions and departments and line ministries characterized by adequate human capacity. Coordination with national bureaus of statistics is also key. Furthermore, we need to recognize that not all



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land in Kenya, or Africa for that matter, is registered. This emerged clearly from the desk research conducted by GROOTS Kenya; depending on the land registries, disaggregating data can thus be misleading. In fact, much land under control of men and women remains unregistered and is governed by customary law. As a result, a substantial gap exists between formal law and reality on the ground where cultural practices and patriarchal systems hold undesirable consequences, immediately for women and their households, but in the long term for communities and the country. Many people, both men and women, remain unaware of their rights and lack the means to pursue title deeds. As a result, one key lesson to emerge from data collection and the grassroots work of GROOTS Kenya is an issue which relates directly to scaling. The findings illustrate that robustness of tenure security is lacking; this has been defined by Place et al. (1994) as a state of confluence where respective rights are known and accepted by the community, and are enforceable. In essence, enhancing robustness is thus the starting point for much of the work that is needed and is occurring at the grassroots level. This is important in terms of tracking implementation of the Global Goals.

Scaling-up is often viewed to be an automatic event, and that bigger is always better. But scaling needs to start at the grassroots, and to be tailored to its point of departure so that it is made most relevant to the local level. The rhetoric which often surrounds private titling is not applicable in the situation of community land where there is no private ownership. More important for women is participation in ranch leadership; not having your name in the register equates to being undermined by the registered members, all of whom are men. More than just an economic asset, land in these ranches held a deeper meaning to many from the older generation; it is heritage, patrimony. This requires more transparency in terms of the decisions made at the executive level. One formal solution in the Land Registration Act is the option for joint titles. It includes strong protections for the land rights of spouses by allowing for joint tenancy and including a resumption of joint tenancy for any land obtained for co-ownership and use by both spouses, granting spouses a legal interest in land held in one spouse's name where the other has contributed to it through his or her labor, and requiring spousal consent for the disposition of any land or dwelling. However, in reality, this is not a system that people are familiar with and often men are very reluctant to share their inheritance with their wife in such formal way. Nonetheless, joint titling can also be done by a group of women.

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Annex

Table 4. Total Households in Butso North Location (based on GROOTS KENYA household listing)

Sublocation	Village/clusters	# of households
Matiha	Ewemakhumbi (Kwava)	524
	Mushiashi (A & B)	332
	Emulama (A & B)	372
	Emulakha	374
	Eshiponzamukoye (Weramashile)	419
	Epihande/ Ewakhombe	282
	Ataku	276
	Mwitumbu	212
	Munduma/ Eshilongo	249



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	Munenga	172
Ingotse	Emukata	217
	Ematende/Obulamu	338
	Eshilakwe	172
	Musamba (Imungu)	204
	Eshironyanga(Eshirakalu)	308
	Mungakha	337
	Bushili	208
	Eshiambitsi/Mulimani	173
Total	5169	