



Land Governance and Women's Rights for Sustainable Development: A Case Study of Kajiado County, Kenya

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Abstract

Despite the progressive provisions of the 2010 Constitution and subsequent land laws, a significant gap persists between legal guarantees and women's lived realities. This study critically examines the interface between land governance and women's land rights in Kenya through a case study of Oloitoktok in Kajiado South Sub-County. Anchored in African feminist thought and intersectional theory, the research centers women's voices and agency while interrogating the structural, institutional, and cultural barriers that restrict their enjoyment of land rights.

Adopting a qualitative approach, primary data were collected through key informant interviews, focus group discussions, narratologies, and analysis of relevant court cases. Additionally, the study examined the legal and policy landscape governing women's land rights, with a focus on existing provisions, implementation gaps, and progress made. Findings revealed that land ownership and inheritance remain male-dominated, with systems favoring sons over daughters. Patriarchal norms, weak enforcement mechanisms, and limited awareness of legal

rights emerged as critical impediments. However, women are not passive victims; they employ resistance and solidarity strategies, including informal alliances, collective action, and engagement with local institutions, to claim their rights and support each other.

The study underscores that women's secure land rights are not only a matter of gender equity and social justice but also vital for socio-economic development and climate resilience. Enhanced land ownership strengthens women's decision-making power, economic participation, and contributions to sustainable development at household, community, and national levels. To bridge the gap between policy and practice, the study recommends strengthening paralegal capacity, establishing advocacy teams of women leaders, and fostering consultative dialogues with county policymakers. By foregrounding women's lived experiences and exposing the relational and structural dimensions of land injustice, this research advances discourse on gender and land while offering practical pathways for policy and legislative reform in Kenya and similar contexts.

Key words: Land Governance, Food Security, Socio-Economic Empowerment, Sustainable Agriculture, Women's Land Rights

1.0 Introduction

Land remains one of the most fundamental resources in human society. Beyond its physical and economic value, land underpins social identity, political authority, and cultural belonging. In agrarian economies such as Kenya, land is the principal factor of production alongside labor and capital, and it

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forms the foundation of livelihoods, economic growth, and social reproduction. Secure access to land determines the ability of households to produce food, generate income, and sustain intergenerational wealth. For women in particular, land rights are not only essential for survival and economic empowerment but also for dignity, voice, and participation in community decision making.

Despite this centrality, women across the globe remain significantly disadvantaged in terms of land ownership and control. The Food and Agriculture Organization (FAO, 2018) estimates that while women constitute an average of 43 percent of the agricultural labor force worldwide, they account for only 20 percent of landholders. In sub-Saharan Africa, where agriculture is a critical driver of livelihoods, women contribute between 60 and 80 percent of food production, yet less than 20 percent have secure access to agricultural land (IGAD, 2024). This disparity is not merely a statistical anomaly; it reflects entrenched patterns of discrimination rooted in cultural norms, patriarchal legal systems, and weak enforcement of progressive policies.

Kenya provides a compelling case of these paradoxes. On one hand, the 2010 Constitution and subsequent legal reforms including the Land Act (2012), the Land Registration Act (2012), the Matrimonial Property Act (2013), and the Community Land Act (2016), establish a robust framework for protecting women's land rights. These laws explicitly enshrine gender equality in access to, ownership of, and inheritance of land. Yet, on the other hand, women's actual land ownership remains alarmingly low. According to the Kenya Land Alliance (2018), out of over one million title deeds issued between 2013 and 2017, only 10 percent went to women. In terms of acreage, women accounted for a mere 1.62 percent of the total land titled during this period, while men controlled 97.76 percent. The 2019 national census further revealed that women, who constitute slightly over half of Kenya's population (24 million), remain largely excluded from formal land ownership, with only 1 percent of registered land titles held solely by women and 5–6 percent held jointly.

This contradiction between progressive legal frameworks and persistent gender inequalities underscores the need for critical inquiry. The existence of legal rights has not automatically translated into substantive justice. Instead, women continue to face multilayered barriers namely structural, institutional, and cultural that constrain their ability to claim, control, and benefit from land. These barriers manifest in several ways: inheritance practices that prioritize sons over daughters, customary norms that treat women as custodians rather than owners of land, and weak enforcement mechanisms that fail to protect women against dispossession or exclusion. Furthermore, women's land rights are often mediated through relationships with male relatives often fathers, husbands, uncles, or brothers, rendering them vulnerable in cases of widowhood, divorce, or intra-family disputes.

The consequences of this exclusion are profound. Lack of secure land tenure diminishes women's capacity to invest in sustainable agricultural practices, access credit, or participate in land-based decision-making processes. It undermines household food security, perpetuates poverty cycles, and reinforces women's marginalization in political and social spaces. Conversely, research consistently shows that secure land rights for women lead to significant positive outcomes, including enhanced agricultural productivity, improved household nutrition, increased resilience to climate shocks, and reduced gender-based violence (FAO, 2018; UN Women, 2022). Women's control over land is thus not simply a gender issue but a development imperative.

Within Kenya, these challenges are particularly pronounced in pastoralist and semi-arid counties such as Kajiado. Located in the southern Rift Valley, Kajiado County is predominantly inhabited by the Maasai community, whose cultural norms remain deeply patriarchal. Land in Maasai society is a vital resource for livestock rearing, subsistence agriculture, and cultural identity, yet women are systematically excluded from its ownership and governance. While the Maasai have historically resisted assimilation and retained strong customary institutions, these very institutions often perpetuate gender inequalities in land distribution and inheritance. Women's access to land is typically mediated through marriage or widowhood, leaving them dependent on male relatives and vulnerable to dispossession.

The paradox of Kajiado County lies in its dual reality: on the one hand, it represents a microcosm of Kenya's broader legal reforms and policy commitments to gender equality in land governance; on the other, it starkly exposes the limitations of these reforms when confronted with entrenched patriarchal systems. The result is a lived contradiction where women are simultaneously rights-bearers in law and rights-denied in practice.

This study sought to interrogate the interface between land governance and women's land rights in Kajiado County, with a focus on Oloitoktok in Kajiado South Sub-County. Anchored in African feminist thought and intersectional theory, it foregrounds women's voices and agency while critically examining the structural, institutional, and cultural barriers that limit their enjoyment of land rights. By documenting women's lived experiences and analyzing policy-practice gaps, the research not only contributes to academic discourse but also provides practical pathways for reform.

The central research questions guiding the study were:

- i. How effective are existing policies and legislative frameworks in protecting and promoting women's land rights in Kenya?
- ii. What structural, institutional, and socio-cultural barriers hinder the enforcement of legal provisions on women's land rights?
- iii. What are women's lived experiences and perspectives on land rights and governance, and how do they reflect the realities of access, ownership, and control?
- iv. Which evidence-based and action-oriented recommendations can strengthen women's land tenure security and advance gender-responsive land governance?

By exploring these questions, the study underscores the urgency of translating Kenya's progressive constitutional promises into lived realities for women. It highlights not only the injustices women face but also the strategies of resistance and solidarity they employ to navigate oppressive systems. Ultimately, the research argues that securing women's land rights is integral to sustainable development, food security, and climate resilience, both in Kajiado and across Kenya.

2.0 Theoretical Framework

The analysis of women's land rights in Kajiado County is grounded in two interrelated theoretical approaches: African feminist thought and intersectionality. These frameworks provide critical lenses through which to interrogate the structural, institutional, and cultural barriers that impede women's access to and control over land, while also illuminating women's agency, resilience, and strategies of resistance.

2.1 African Feminist Thought

African feminism offers a distinctive perspective on gender justice by situating women's struggles within specific historical, cultural, and socio-political contexts of the continent. Unlike universalist or liberal feminist approaches that often assume women's oppression to be homogenous across contexts, African feminist thought emphasizes the particularities of African women's experiences. It acknowledges that women in Africa navigate multiple layers of oppression including patriarchy, colonial legacies, neoliberal economic structures, and customary practices that intersect to shape their realities.

As Ahikire (2016) asserts, African feminism is both a theoretical and political project aimed at dismantling patriarchal structures while affirming the lived experiences of African women. It is not merely about seeking parity with men in existing systems, but about transforming those systems in ways that center women's voices, knowledge, and agency. African feminism validates women's experiences as sources of knowledge, recognizing that their narratives reveal the hidden dimensions of power and injustice often overlooked by mainstream discourse.

In the context of land governance, African feminist thought challenges the patriarchal orthodoxies that treat land as a male preserve and women as secondary beneficiaries. It critiques both customary practices that marginalize women and state structures that fail to enforce women's rights. Importantly, it highlights the resilience and creativity of women in resisting exclusion through collective organizing, informal alliances, and mobilization of local institutions. By framing women not as passive victims but as active agents, African feminism aligns with the realities in Kajiado where women, despite systemic barriers, employ diverse strategies to assert their rights.

2.2 Intersectionality

The concept of intersectionality, first articulated by Kimberlé Crenshaw (1989), provides an analytical tool for understanding how multiple forms of discrimination and privilege intersect to shape women's

experiences. Intersectionality insists that gender cannot be analyzed in isolation but must be examined in relation to other identities such as class, ethnicity, marital status, age, and education. Women are not a monolithic group; their access to land and capacity to claim rights vary significantly depending on these intersecting factors.

In the Kenyan context, intersectionality reveals how a widow, an unmarried daughter, or a woman with disabilities may face distinct barriers to land ownership, even within the same community. Among the Maasai of Kajiado, for example, widows are often dispossessed of matrimonial land by in-laws, while unmarried daughters are excluded from inheritance under the assumption that they will gain access to land through marriage. Poor women may lack the financial resources to pursue legal claims, while educated women are better positioned to navigate bureaucratic processes. Intersectionality thus captures the nuances of exclusion, ensuring that analysis goes beyond blanket generalizations about “women’s marginalization.”

Applied to land governance, intersectionality exposes how policies and laws that appear gender-neutral may still reinforce inequalities when they fail to account for diverse realities. For instance, legal provisions requiring formal documentation such as title deeds or identification cards may inadvertently exclude women who, due to low literacy levels or economic constraints, cannot meet bureaucratic requirements. Similarly, reforms mandating gender representation in land governance committees may not translate into meaningful participation if the women appointed lack the education or authority to influence decisions.

2.3 Relevance to Women’s Land Rights and Governance

Together, African feminist thought and intersectionality provide a robust framework for analyzing women’s land rights in Kajiado County. African feminism ensures that women’s lived experiences are placed at the center of inquiry, validating their narratives as knowledge that can challenge dominant systems of land governance. Intersectionality ensures that these narratives are not homogenized but examined in their diversity, revealing how overlapping oppressions and privileges shape different women’s encounters with land.

By employing these frameworks, the study is able to move beyond legalistic or policy-oriented analyses that focus solely on the presence of constitutional provisions. Instead, it interrogates why such provisions often fail in practice, and how women themselves navigate, resist, and transform the systems that marginalize them. It highlights the relational and structural dimensions of land injustice, showing that women’s exclusion is not simply a matter of individual discrimination but a product of deeply embedded social, cultural, and institutional arrangements.

At the same time, these frameworks emphasize women’s agency. In Kajiado, women have developed coping strategies such as forming solidarity groups, leveraging informal justice systems, and engaging sympathetic local leaders to claim land rights. African feminist thought frames these strategies as forms of resistance that challenge patriarchal norms, while intersectionality illuminates how the effectiveness of such strategies is mediated by class, education, and social networks.

Ultimately, the theoretical framework underscores that women’s secure land rights are both a matter of gender justice and a prerequisite for sustainable development. By situating women’s experiences within broader structures of power and by acknowledging the diversity of those experiences, African feminist thought and intersectionality provide the analytical tools necessary to propose transformative, context-specific reforms in land governance.

3.0 Literature Review

Globally, land is both an economic resource and a source of social and political power. Secure land tenure provides individuals and households with the foundation for livelihoods, income generation, and long-term investments. For women, land rights are closely tied to empowerment, food security, and resilience. Yet international evidence consistently shows that women remain at a disadvantage relative to men. According to the FAO (2018), women represent 43 percent of the agricultural labor force but account for only 20 percent of landholders worldwide. This gender disparity in land ownership has far-reaching consequences. Studies demonstrate that when women have secure land rights, households experience improved nutrition, higher levels of child schooling, and greater investments in sustainable

farming practices (Meinzen-Dick et al., 2019). Conversely, insecure land tenure for women perpetuates cycles of poverty, reduces bargaining power within households, and exacerbates vulnerability to shocks such as climate change.

International conventions, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Maputo Protocol on the Rights of Women in Africa, recognize women's equal rights to land and property. However, enforcement at the national level has been uneven. Customary practices, patriarchal norms, and weak institutions continue to undermine women's rights despite states' commitments to gender equality. This gap between global frameworks and local realities is particularly stark in sub-Saharan Africa.

In Africa, land constitutes the principal basis of wealth, social identity, and political legitimacy. Yet women's claims to land are systematically weaker than those of men. The Intergovernmental Authority on Development (IGAD, 2024) reports that although women account for 70 percent of family farming in the region, less than 20 percent have full access to agricultural land. Furthermore, while 70–90 percent of all wealth in Africa is generated through land, women own less than 10 percent. The persistence of gendered inequalities is linked to the coexistence of statutory, customary, and religious laws that often conflict with one another. Customary law remains particularly influential in matters of inheritance and land transfer, and it overwhelmingly privileges men. In many African societies, daughters are excluded from inheriting land on the grounds that they will access land through marriage, while widows are treated as temporary custodians rather than owners of matrimonial property. This marginalization has economic and social costs. Gender disparities in land ownership reduce agricultural productivity and limit women's contributions to food security (UN Women, 2018). Lack of secure land tenure also undermines resilience to climate shocks, since women without ownership rights are less likely to adopt long-term, sustainable farming practices. Importantly, scholars argue that women's land rights are not simply a matter of resource distribution but of power: exclusion from land ownership perpetuates women's subordination in household and community decision-making (Agarwal, 1995).

Kenya has made significant strides in formal recognition of women's land rights. The 2010 Constitution enshrines gender equality and prohibits discrimination in ownership, access, and inheritance of land. Several key pieces of legislation operationalize these provisions. The Land Act (2012) establishes principles of land management, emphasizing equitable access and security of tenure; The Land Registration Act (2012) provides for the registration of titles, including joint spousal ownership; The Matrimonial Property Act (2013) recognises the equal contribution of spouses and protects women's rights in matrimonial property; The Community Land Act (2016) governs management of community land, mandating that both men and women be registered as members; and The Law of Succession Act (Cap 160) provides for equal inheritance rights, though often undermined by customary practices. These frameworks position Kenya as a regional leader in legal reform. Yet evidence indicates that the impact on women's land ownership remains limited. Implementation has been hampered by bureaucratic inefficiencies, corruption, and entrenched patriarchal norms. For instance, the Kenya Land Alliance (2018) found that out of over one million title deeds issued between 2013 and 2017, only 10.3 percent went to women. Even when women are listed as joint owners, their names are sometimes excluded from titles at the point of registration. Judicial interventions have produced mixed outcomes. In some cases, courts have upheld women's claims, recognizing widows' rights to matrimonial land and reinforcing the principle of spousal consent in land transactions. However, other cases demonstrate persistent barriers, including evidentiary requirements that disproportionately disadvantage women who lack formal documentation.

Customary law continues to play a powerful role in shaping land tenure in Kenya, especially in rural areas. Among many ethnic groups, land is passed down through the male lineage, leaving women with limited or no inheritance rights. Daughters are frequently excluded on the grounds that they will marry into other families, while widows' claims are often contested by in-laws. The Maasai community in Kajiado exemplifies this challenge. Women rarely inherit land directly from their parents; instead, their access is mediated through husbands or sons. Even in cases where women are registered as members of group ranches or community land holdings, their participation is often symbolic, with real decision-making power concentrated in the hands of men. Such practices not only perpetuate women's

exclusion from land ownership but also reinforce their marginalization in community governance structures.

The link between women's land rights and broader development outcomes is increasingly recognized in the literature. Secure land tenure enables women to invest in long-term agricultural practices, access credit, and diversify livelihoods. This, in turn, enhances food security and economic resilience. Conversely, lack of secure tenure limits women's ability to respond to climate change.

Research by the Intergovernmental Panel on Climate Change (IPCC, 2019) highlights the close relationship between land tenure insecurity and vulnerability to climate shocks. Women, as primary food producers in many African households, are disproportionately affected by droughts, floods, and other extreme events. Without secure rights, they are unable to adopt climate-smart agricultural practices or invest in adaptation measures such as water harvesting and soil conservation. In Kenya, where agriculture remains the backbone of the economy, women's exclusion from land governance exacerbates food insecurity. Studies show that when women own land, households are more likely to achieve food security and improved child nutrition (World Bank, 2023). Women's secure tenure also contributes to broader goals of sustainable development and climate resilience.

Women's land rights are influenced by multiple actors at different levels. At the national level, key institutions include the Ministry of Lands, the National Land Commission, and the Judiciary. At the county level, land boards, chiefs, and community land management committees play critical roles in enforcing or undermining women's rights. Non-state actors, including women's rights organizations, civil society groups, and international agencies such as FAO and the UN Women, have also been instrumental in advocacy and raising awareness. However, women still remain underrepresented in land governance structures, limiting their ability to influence decisions. Furthermore, corruption and bureaucratic inefficiencies within land offices create additional barriers. Local dispute resolution mechanisms, though more accessible than formal courts, are often dominated by male elders whose interpretations of customary law favor men.

While there is substantial literature on women's land rights globally and in Kenya, gaps remain. Much of the existing research focuses on legal and policy frameworks, with limited attention to the lived experiences of women navigating these systems. Additionally, studies often treat women as a homogenous category, overlooking the intersectional dimensions of identity that shape access to land. Further, while the link between women's land rights and development outcomes is widely acknowledged, empirical evidence from specific local contexts such as pastoralist regions like Kajiado remains limited. This study addresses these gaps by centering women's narratives in Kajiado County by examining how legal provisions interact with customary practices, and analyzing the strategies women use to resist exclusion. By adopting African feminist and intersectional lenses, it contributes to a more nuanced understanding of women's land rights and governance in Kenya.

4.0 Methodology

4.1 Research Design

This study adopted a qualitative research approach anchored in African feminist and intersectional frameworks. The approach was chosen because it enables deep engagement with women's lived experiences, voices, and narratives, while critically interrogating the structural and cultural systems that shape their access to land. Qualitative approaches are particularly suited to contexts where power relations and social norms influence resource governance, since they allow for thick description, contextual nuance, and reflexivity.

The feminist research orientation positioned women as knowledge holders rather than passive subjects. It emphasized participatory methods that foregrounded their stories and experiences, while challenging dominant patriarchal narratives embedded in land governance systems. Intersectionality further guided the research by ensuring sensitivity to differences among women such as marital status, age, education, and socio-economic position that influence access to land and justice.

4.2 Study Site

The research was conducted in Oloitoktok, Kajiado South Sub-County in Kajiado County. This site was purposively selected due to its significance in agriculture and livestock production, as well as the predominant cultural practices of the Maasai community. Land in Kajiado is central to livelihoods, identity, and social organization, yet women remain largely excluded from ownership and decision-making.

Kajiado South is semi-arid, with livestock and crop farming as the main economic activities. According to the 2019 Kenya Population and Housing Census, the county has a population of 1,117,840, with women making up 50.1 percent. While the Constitution and land laws apply in this region, customary practices strongly shape land inheritance and ownership practices, creating a valuable site for studying the tension between statutory rights and lived realities.

4.3 Target Population and Sampling

The target population comprised women with direct experiences of land access, ownership, or inheritance, as well as community leaders and local administrators involved in land governance in Kajiado South, Kajiado County. This included women leaders, members of community land management committees, members of women's groups, and widows, married and unmarried women. Purposive sampling was used to identify participants with relevant experiences and knowledge on matters related to women and land rights. A total of 33 respondents participated in the study including: 8 Key Informant Interviews (KIIs); 8 narratologies capturing personal journeys of land struggles; 17 participants across Focus Group Discussions (FGDs) with women of varied ages and other social status.

This sampling ensured diversity of perspectives while maintaining focus on women as the primary knowledge producers.

4.4 Data Collection Methods

The data was gathered using multiple qualitative methods to allow triangulation.

Key Informant Interviews (KIIs) were conducted with chiefs, administrators, and local leaders to gain insights into governance processes, institutional dynamics, and enforcement challenges. Narratologies to document women's lived experiences to capture their struggles on land disputes or exclusion, coping strategies, and sources of resilience. Focus Group Discussions (FGDs) provided collective perspectives, highlighting shared challenges, and strategies to overcome them. Land-related court cases involving women were analysed, examining legal and judicial interpretations of women's land rights and their practical implications.

All discussions were audio-recorded with participants' consent, transcribed verbatim, and anonymized for confidentiality.

4.5 Data Analysis

Data were analyzed thematically using an intersectional feminist framework. Transcripts were coded both deductively, based on the research objectives, and inductively, based on emergent themes. A team-based coding process ensured reflexivity and consistency.

Thematic categories included: ownership and inheritance, barriers to women's land rights, effectiveness of policies, women's agency, and coping strategies. The legal analysis of court cases was integrated into these themes to illuminate the interaction between formal law and lived experiences. Triangulation across KIIs, FGDs, narratologies, and legal reviews enhanced the reliability of findings.

4.6 Ethical Considerations

Given the sensitivity of land and gender issues, the study followed rigorous ethical protocols. Informed consent was obtained orally and in writing, with participants free to withdraw at any stage. Confidentiality and anonymity were guaranteed through the use of pseudonyms and secure data handling.

The feminist approach emphasizes respect, transparency, and reciprocity in the research relationship. Researchers created safe spaces for women to share experiences without fear of retaliation

or stigma. Recognizing the emotional burden of discussing dispossession, researchers exercised care and empathy, ensuring that participants' dignity and well-being were prioritized throughout the study.

5.0 The Key Findings

The findings of this study reveal a persistent gap between Kenya's progressive constitutional and legislative provisions on women's land rights and the lived realities of women in Kajiado South. While the legal framework promises equality, women continue to face barriers at structural, institutional, and cultural levels. However, the findings also demonstrate that women are not passive victims: they actively navigate, resist, and reshape land governance systems through diverse strategies of agency and solidarity.

5.1 Land ownership and Inheritance patterns

Across focus group discussions and narratologies, participants consistently reported that land ownership remains largely male-dominated. Daughters are systematically excluded from inheriting land, with families favoring sons on the assumption that daughters will "marry into" land elsewhere. One widow narrated,

When my father died, my brothers were given the land. They told me, 'You will get land where you are married.' But when my husband also died, his family said the land belongs to their sons. I was left with nothing.

This double exclusion, first from natal land, then from marital land, highlights the vulnerability of women across their life cycle. Widows and divorced women are particularly disadvantaged, often displaced or forced to return to their natal homes, where they are again denied land.

The Land Registration Act (2012) and Matrimonial Property Act (2013) mandate spousal registration of land titles. However, findings show that joint titling is rarely practiced in Kajiado. Where land is registered, men are often listed as sole owners, with women's names omitted despite contributing to land acquisition and development. Participants reported that land officials sometimes discouraged joint registration, citing "complexity" or "tradition."

In Maasai communities, inheritance remains governed by customary norms that privilege sons. Even when land is subdivided, daughters are rarely allocated plots and when they are given, it is divided in a disproportionate manner. Women interviewed explained that claiming inheritance rights against their brothers would be seen as "disrespectful" or "breaking tradition." This cultural framing discourages women from asserting legal claims, despite constitutional guarantees.

5.2 Structural and Institutional Barriers

Key informant interviews revealed that while laws exist, enforcement remains weak. Community leaders such as chiefs often mediate land disputes in ways that uphold customary norms rather than statutory law. One respondent noted that,

We know the Constitution says women can inherit land, but in practice, it is difficult to go against community traditions. If I enforce the law strictly, people will reject my authority.

This institutional compromise between law and custom further perpetuates women's exclusion. Women reported difficulties navigating land offices, citing long bureaucratic processes, corruption, and intimidation. Some widows seeking to register land in their names were asked for bribes or told to "bring a male relative" to assist. Low literacy levels compounded these challenges, with many women unable to read or understand legal documents.

Analysis of 11 court cases showed mixed outcomes. While courts sometimes upheld women's rights for example, affirming widows' entitlement to matrimonial property other cases revealed evidentiary hurdles. Women lacking documentation such as marriage certificates, proof of contribution

or title deeds struggled to convince courts of their claims. Protracted legal battles also deterred many from seeking justice, as cases were costly and time-consuming.

5.3 Socio-Cultural Barriers

Cultural beliefs deeply entrench the view that land belongs to men. Focus groups revealed that women claiming land rights were often stigmatized as “greedy” or “disobedient.” One respondent explained,

If a woman insists on land, people say she is disrespectful, that she does not know her place. Some women are even beaten for speaking up.

Fear of backlash discourages women from pursuing legal or administrative remedies.

Marriage remains the primary way women access land, but this access is precarious. Married women often have use rights but not ownership. In cases of widowhood or divorce, women lose access entirely. Polygamous marriages further complicate claims, with co-wives competing for limited resources.

Women remain underrepresented in local land governance institutions, such as community land management committees or group ranch leadership. Even when included, they are often sidelined in decision-making, with men dominating discussions and final resolutions.

5.4 Women’s Agency and Coping Strategies

Despite systemic barriers, women in Kajiado demonstrated significant agency in navigating and contesting land governance systems. Several strategies emerged including:

- i. **Formation of Informal alliances and solidarity groups** - Women reported forming groups to collectively address land injustices. These groups provided moral support, pooled resources for legal fees, and amplified women’s voices in community forums. One participant noted,

When we go as a group, the elders listen more. Alone, they ignore you.

- ii. **Engagement with sympathetic leaders** - Some women sought support from progressive chiefs, pastors, or paralegals who advocated on their behalf. These allies were instrumental in mediating disputes or guiding women through bureaucratic processes.
- iii. **Strategic use of courts** - Although costly, some women pursued legal cases and succeeded in securing land rights. The court case analysis revealed instances where widows were affirmed as rightful owners of matrimonial land, setting precedents for others.
- iv. **Adaptation and resilience** - Where formal systems failed, women adapted creatively. Some secured informal agreements with sons to ensure continued access to land; others diversified livelihoods through petty trade or wage labor to reduce dependence on insecure land access.

5.5 Illustrative Court Cases

The analysis of the court cases highlighted the contradictions of Kenya’s land governance framework. For example, in one case, a widow successfully claimed ownership of matrimonial land after demonstrating her contributions during marriage, despite opposition from in-laws. The court affirmed her constitutional right to equality and protection under the Matrimonial Property Act. In another case, daughters contesting their exclusion from inheritance were denied rights by a local court, which upheld customary norms that prioritize sons. The ruling contradicted constitutional provisions but reflected the persistent influence of tradition.

These cases illustrate the tension between statutory law and customary practice, and the unevenness of justice depending on interpretation, documentation, and resources available to women.

In summary, the key findings from this study reveal that, women’s land rights remain largely theoretical, with ownership and inheritance still dominated by men. Structural and institutional weaknesses such as weak enforcement, corruption, and judicial barriers, continue to undermine gains guaranteed by the constitution. Additionally, cultural norms stigmatize women’s access, control and

claim to land as a resource, and restrict their full participation in land governance issues. Despite these challenges, women demonstrate resilience and agency through strategies such as collective action and alliances, and use of legal remedies. It was evident that the gap between policy and practice continues to persist, not only perpetuating women's vulnerability but also spurring new forms of resistance and adaptation in Kajiado and Kenya at large.

6.0 Discussion

The findings highlight a profound disjuncture between Kenya's progressive legal framework on women's land rights and the realities experienced by women on the ground. While Kenya's Constitution (2010) and subsequent legislations establish clear guarantees of equality, women remain structurally excluded from land ownership and governance. This discussion situates the findings within broader debates on gender, land governance, and sustainable development, drawing on African feminist thought and intersectionality to explain the persistence of inequality and the forms of agency women deploy in response.

6.1 Law versus Lived Reality: The Policy-to-Practice Gap

The study confirmed what much of the literature on women's land rights in Africa has documented with progressive statutory provisions often failing to translate into practice (Agarwal, 1995; UN Women, 2018). In Kajiado, the laws mandating spousal co-registration, equal inheritance rights, and protection of matrimonial property are consistently undermined by patriarchal norms and customs, and weak enforcement of laws. Community leaders, who act as frontline mediators in disputes, frequently privilege tradition over law, fearing community backlash. Courts, though more rights-oriented, remain inaccessible due to costs, evidentiary requirements, and lengthy processes.

6.2 The Cultural Entrenchment of Patriarchy

The study underscores the persistence of patriarchal norms in shaping land governance. Women's exclusion is not merely systemic but cultural, rooted in deeply held beliefs about gender roles. Daughters are automatically excluded from inheritance as a matter of "tradition," while widows are treated as custodians rather than owners of matrimonial land. Women who assert claims to this resource face stigma, violence, or ostracism.

African feminist thought illuminates how these norms sustain systems of oppression while simultaneously demanding women's labor and loyalty. Women provide the backbone of household production and community reproduction, and yet they are denied ownership of the very resource they sustain. As Nnaemeka (2004) argues, African feminism must grapple with this paradox of *women as indispensable yet marginalized*.

6.3 Intersectionality: Addressing Unequal Vulnerabilities

The findings also highlighted the heterogeneity of women's experiences, thereby validating the need for adopting a gender intersectional lens (Crenshaw, 1989), given that widows, unmarried daughters, married women, and divorced women face distinct vulnerabilities. The social-economic status further differentiates outcomes where educated women with resources can navigate legal systems more effectively; while poor, illiterate women are more easily excluded. Further, age and marital status intersect with cultural expectations to shape who can claim land and under what conditions.

This underscores that "women" cannot be treated as a monolithic category in policy making or scholarship. Intersectionality reveals how multiple, overlapping axes of discrimination create distinct and varied outcomes. Therefore, legal reforms that fail to account for these nuances risk reinforcing inequalities rather than addressing them.

6.4 Women's Agency in navigating patriarchal systems

In navigating patriarchal land systems, women's resilience and agency stood out as one of the most striking findings. Despite systemic exclusion, women employ strategies of resistance including forming community groups, leveraging their social capital and sympathetic leaders, and pursuing selective

litigation. These strategies align with African feminist scholarship that emphasizes women's agency in contexts of oppression (Ahikire, 2016).

By framing women not as passive victims but as active agents, the study challenges deficit narratives. Women's resistance through informal alliances demonstrates their capacity to reshape governance processes from below, even when formal systems fail them. At the same time, these coping strategies also revealed that, without systemic reforms, women remain dependent on fragile alliances and personal negotiations rather than secure, enforceable rights. These limitations must be addressed if women are to exercise full agency.

6.5 Land Rights as a development and climate imperative

The exclusion of women from land rights has implications beyond gender justice. It directly undermines food security, economic resilience, and climate adaptation. Women without secure tenure cannot invest in long-term agricultural practices, access credit, or adopt climate-smart innovations. This finding echoes global evidence (FAO, 2018; IPCC, 2019) that secure women's land rights are central to achieving sustainable development and resilience.

The study thus supports the argument that women's land rights are not a peripheral "gender issue" but a core development concern. In pastoralist and semi-arid regions like Kajiado County, where livelihoods are precarious and climate risks intensifying, empowering women with secure tenure becomes critical for community resilience.

6.6 Advancing the discourse from equality to transformation

The findings suggest that efforts to secure women's land rights must move beyond formal legal equality towards transformative change. Laws alone cannot dismantle entrenched patriarchy. What is needed are multi-level interventions from grassroots awareness, stronger enforcement, cultural renegotiation of gender norms, to meaningful inclusion of women in land governance structures.

African feminist thought offers useful insights by emphasizing that, liberation cannot be achieved by assimilating women into male-dominated systems but requires transforming those systems to recognize women's knowledge, voices, and agency. Intersectionality adds that reforms must be tailored to the diverse realities of women including widows, daughters, co-wives, and divorced women in ensuring that no subgroup is left behind.

In summary, this section demonstrates that women remain marginalized in land governance despite robust legal protections, a trend evident in Kajiado and other parts of the Kenya. Patriarchal norms, weak institutions, and socio-cultural stigmas combine to exclude women, while intersectional factors exacerbate inequalities among them. Yet women resist through collective strategies demonstrating their resilience and potential as agents of change.

Ultimately, securing women's land rights is both a question of justice and a prerequisite for sustainable development and climate resilience. The challenge therefore, is to translate paper rights into lived realities of women, requiring not only legal reforms but also cultural transformation and grassroots empowerment.

7.0 Conclusion and Recommendations

7.1 Conclusion

This study set out to examine the interface between women's land rights and land governance in Kenya through a case study of Oloitoktok in Kajiado South Sub-County. Anchored in African feminist thought and intersectional theory, the research foregrounded women's lived experiences, exploring how they navigate, resist, and negotiate exclusionary systems.

The findings reveal a deep and persistent paradox, where Kenya's constitutional and legislative frameworks provide robust guarantees for gender equality in land rights, women in Kajiado remain systematically excluded from land ownership and decision-making positions. Patriarchal inheritance practices, weak enforcement of laws, bureaucratic inefficiencies, and cultural stigmas conspire to deny women access to land, despite their central role in agricultural production and community livelihoods.

Yet, women are not passive in the face of exclusion. They have developed diverse strategies of resistance and resilience such as forming community/solidarity groups, engaging sympathetic leaders, pursuing court cases, and negotiating informal arrangements with family members. These strategies highlight women's agency and capacity to contest injustice, even within highly patriarchal systems.

The study underscores that women's secure land rights are not only a matter of gender equity and social justice but also central to sustainable development, economic empowerment, food security, and climate resilience. Without secure tenure, women cannot invest in long-term agricultural practices, access credit, or meaningfully participate in governance processes. In semi-arid regions like Kajiado, where livelihoods are vulnerable to climate shocks, excluding women from land ownership undermines the resilience of entire households and their communities.

Ultimately, the findings suggest that closing the gap between policy and practice requires not only legal reforms but also cultural transformation and grassroots empowerment. Laws alone cannot dismantle entrenched patriarchal norms. Systemic change demands both institutional enforcement and shifts in community attitudes toward women's land rights.

7.2 Recommendations

Based on the findings, the study makes the following recommendations:

- i. ***Capacity strengthening through community legal education.*** County governments and civil society organizations should invest in widespread awareness campaigns to educate women about their constitutional rights to land. Radio programs, community forums, and local language materials can expand reach; and Training of paralegals (including women paralegals) within communities in order to support others in navigating disputes, interpreting laws, facilitating access to relevant information, and filing claims. These grassroots advocates can act as the first line of advocates for women's land rights;
- ii. ***Enhanced enforcement of existing laws by ensuring accountability in land registration*** by ensuring strict enforcement of joint titling requirements under the Land Registration Act (2012); Judicial responsiveness by simplifying evidentiary requirements for vulnerable women such as widows and unmarried daughters to reduce barriers to justice, as well as fast tracking of gender-related land cases to minimize the costs and delays that discourage women from seeking legal redress; and provide monitoring and oversight through establishment of gender-sensitive monitoring mechanisms by The National Land Commission and other relevant stakeholder, to track compliance with laws that govern women's land rights.
- iii. In order ***to transform cultural norms and practices, ensure deliberate engagement with community leaders*** including chiefs, elders, and religious leaders who remain influential gatekeepers in land governance and facilitate dialogues and training programs to equip them with tools to reconcile customary practices with constitutional provisions. In addition, structured conversations at the communities at the village level can create safe spaces to challenge stigmas against women asserting land rights and shifting attitudes toward equality.
- iv. ***Advocating for women's leadership through women's meaningful inclusion and representation in land governance structures*** such as community land management committees, group ranches, and county-level land boards. Their representation should be substantive, not symbolic, ensuring women have decision-making power. Additionally, leadership capacity training for women will build their confidence and enhance their ability to influence policy and governance outcomes within the land governance structures.
- v. ***Fostering women's collective action and advocacy*** by supporting women's groups and collectives which play a crucial role in mobilizing resources, resistance, and providing mutual support. Strengthening these groups through funding, training, and legal aid partnerships will amplify their impact. Further creation of Advocacy coalitions and advocacy platforms both at county and national levels that bring together women leaders, NGOs, and civil society organizations, women's

groups, and individual women to push for consistent enforcement of laws and shift in cultural practices.

- vi. ***Linking women's land rights to sustainable development and climate resilience actions*** through programs that explicitly integrate women's land rights and recognizing tenure security as a long-term sustainability investment for women. Further, designing and implementation of agricultural programs by county governments in order to prioritize women farmers with secure tenure and enhance household nutrition and community resilience.

The documented struggle for women's land rights in Kajiado South epitomizes a broader Kenyan and African paradox whereby rights are recognized in law but denied in practice. Bridging this divide demands more than policy pronouncements. It requires deliberate efforts to dismantle patriarchal systems, empower women at the grassroots, and reimagine land governance as a space of gender justice and collective development.

By centering women's voices and acknowledging their strategies of resistance, this study contributes to a more nuanced understanding of land governance in Kenya. It also affirms that secure land rights for women are indispensable not only for justice but also for the prosperity, resilience, and sustainability of Kenyan communities and African societies.

8.0 References

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