



Food and Agriculture
Organization of the
United Nations



The community land rights of women and youth in Tana River and Turkana Counties

A synthesis report



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Food and Agriculture Organization of the United Nations
Nairobi, 2017

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Acknowledgements

We wish to express our gratitude to the European Union for their financial support towards this assessment, without which it would not have been done. We offer our appreciation to the staff that carried out this study, led by Queen Katembu (FAO Gender) and Kaari Miriti (FAO Monitoring and Evaluation), with overall coordination and support from Francisco Carranza (FAO Natural Resource Management sector head). Special thanks go to UN Women Kenya colleagues Karin Fueg, Faith Kasiva, and David Mugo for directly supporting the validation process. Similarly, appreciation goes to the National Land Commission team in Tana River – led by Abdullahi Huka Jillo, the County Land Management Board Secretary, and Francis Malibe, the Deputy Chair – and others for participating in the assessment and particularly for facilitating entry into the community. Finally, we appreciate all the enumerators and every other person who supported the assessment in one way or another.

Foreword

This report recognizes that even though women are often the primary users of land for residential and agricultural purposes, they are frequently subjected to unequal treatment and denied primary and ownership rights to land and other natural resources. This is mostly due to traditionally regulated norms that are patriarchal and that have established ways to access land, resources, decision-making processes, and leadership positions. Since devolution in Kenya began in 2010, very little research has been done on gender and land, particularly county-specific research. The Constitution of Kenya (2010) provides very progressive human rights and gender-related gains on a broad spectrum. Article 60(f) envisages the elimination of gender discrimination in law, customs, and practices related to land and property ownership.

This study reveals that while Kenya has a sound, gender-responsive legal infrastructure and framework, the reality on the ground is different. Most of the community members interviewed in Tana River and Turkana Counties have heard very little about the constitution and the legal frameworks on community land governance. They therefore rely heavily on traditional land governance structures that do not fully observe women's land rights. The publication of this study will provide county and national governments, development partners, and non-governmental organizations with a basis for undertaking policy and programmatic initiatives geared towards addressing the gender inequalities in the governance of community land.

This publication represents the culmination of a fruitful collaboration between the Food and Agriculture Organization of the United Nations (FAO) and UN Women (the United Nations Entity for Gender Equality and the Empowerment of Women). As the premier global policy advisory body on food and agriculture, and with broad technical expertise and experience in land, forestry, and fisheries, FAO is well placed to advise governments on the design and implementation of agricultural policies based on empirical research. UN Women is mandated to support gender mainstreaming and women's empowerment within the UN system, and therefore this collaboration authenticated the study and sought to bring to the forefront the silent gender inequalities in community land governance.

The sections in this study provide evidence that women's limited control over land and natural resource management still remains a challenge to creating effective land governance systems and ensuring secure property rights in arid and semi-arid regions. In conclusion, informal and traditional structures that govern communal land are silently discriminating against vulnerable women and youth, and political good will is needed to strengthen land access rights for women and youth.



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Executive summary

Chapter Five of the Constitution of Kenya, which focuses on land and the environment, recognizes the centrality of land in Kenya. However, unrealized women's rights relating to accessing and controlling land and natural resources and improving their management pose a challenge to effective land governance systems in arid and semi-arid regions.

Unequal treatment occurs in a context where women's and men's roles and behaviours are regulated by cultural traditions. As a result, women – particularly poor women – find themselves with few options for participating in land governance and natural resource management and for dealing with related crises. This in turn determines their increased vulnerability and their subsequent scarce capacity to access, use, and own land.

In agropastoral systems, women play a central role as land and natural resource managers, income generators, and service providers. Pastoral women are not only “primary” users of land, but are also major “secondary” users, collecting rangeland products such as firewood, grass, fodder, wild fruit, medicinal plants, gum, and resin. However, many pastoralist societies are patriarchal, and men own all livestock and land resources. While pastoral women's property rights have been afforded a certain degree of protection by customary institutions, the sustainability of such protection is likely to be lost as a result of weakening traditional institutions and new developments in land reforms.

The Government of Kenya has reformed its land tenure policy and institutional framework through a key piece of legislation known as the Community Land Act. The land reforms seek to harmonize the multiple and often overlapping legal frameworks on tenure of land and natural resources. In support of the government's

land reform initiative, FAO secured European Union funds and – in collaboration with the National Land Commission and other partners – is implementing a project titled Support for Responsible Land and Natural Resource Governance in Communal Lands of Kenya. Output 1 of this project (land tenure systems and natural resource use mapped, and recommendations developed for land use planning in target counties) includes Activity 1.3: to assess the land and access rights of women, youth, and other marginalized or vulnerable groups to communal lands in Tana River County.

A similar study was undertaken in Turkana County, and the key findings were comparable due to a marginalization of women and youth that was much the same regarding access to and control of land and natural resources. This report focuses on the findings of the assessments carried out in Tana River and Turkana Counties.

The findings of the overall study show that even though various legal and policy frameworks have been put in place to address women's access to and control of land and natural resources, there are still implementation challenges in the two counties. It is thus important to explore opportunities that would benefit women and youth. The assessment therefore pays particular attention to the opportunities available for advocating for women's and youth's community land access rights and also looks at the factors that hinder such access.

The report identifies a number of recommendations revolving around awareness creation (community sensitization) by non-governmental organizations to enlighten the communities about their rights and the importance of adhering to constitutional principles such as participation and consultation.

Suggested activities include those that promote adult literacy, build the capacity of the councils of elders on issues such as arbitration and mediation skills, form and strengthen women's groups so as to empower them, and mainstream gender and integrity in land governance to root out corruption. It is hoped that the Community Land Act, which aims to protect community land rights, will be implemented to the benefit of communities.

Other recommended interventions include proper land use planning, the formation of group ranches for the sustainable management of resources, exposure visits to other communities to exchange ideas on how to move forward on the women's land rights agenda, synergies with relevant offices in the county government, and working with religious leaders and organizations to advocate for women's/youth's rights.

Overview of main findings

- There are informal land tenure systems in which access is mainly through inheritance, with no formal documentation; the community traditionally depends on family graves, large old trees (e.g. mango trees), and watering wells for land demarcation.
- Insecure tenure exists due to a lack of title documents; the Lamu Port–South Sudan–Ethiopia Transport Corridor project, land purchase by investors, and gazetting of forests and ranches are seen as eviction threats.
- Women and youth are deprived of access to common areas that have a low eviction risk.
- Traditional land management systems exist within the community.
- Resource-based conflicts in both counties are over grazing areas, water resources, boundary disputes, urban expansion, and fencing of livestock corridors.
- Communities have inadequate knowledge of the constitutional provisions and legal frameworks on communal land governance.

Factors affecting community land access rights for women and youth

- Religious and cultural beliefs that women should not mingle with men
- Low literacy levels among women
- Lack of female role models
- Poverty
- Corruption
- Lack of political good will
- Gender inequality, cultural barriers, and discriminatory traditions
- Poor accessibility to information and inadequate knowledge about existing legal frameworks on land

The community land rights of women and youth in Tana River and Turkana Counties

Introduction

Since the promulgation of the new Constitution of Kenya in 2010, the Government of Kenya has embarked on major land reforms at policy, legislative, and institutional levels. These efforts have also been part of the devolution process. The land reform programme is expected to ensure the security of long-held land rights, facilitate land access, and secure the livelihoods of urban and rural communities.

In support of the government land reforms initiative, FAO secured European Union funds and, in collaboration with National Land Commission and other partners, is implementing a project titled Support for Responsible Land and Natural Resource Governance in Communal Lands of Kenya. The project is being piloted in Tana River and Turkana Counties. Tana River is one of the six counties in the coast region and is comprised of three administrative subcounties: Bura, Galole, and Tana Delta. The area hosts various ethnic groups, including Pokomo, Orma, Wardei, Somali, Malakote, Munyoyaya, Bajuni, and Wata. Turkana County borders West Pokot to the south, Samburu and Baringo to the south-east, and Marsabit to the east.

The main objective of the project is to support the government's efforts to secure and improve equitable access to land and natural resources for food security and the socio-economic development of agropastoral communities in the arid and semi-arid regions of

Kenya. The project specifically focuses on building the capacity of key land institutions, and the expected outcome of this initiative is to see improved governance of community land and natural resources in arid and semi-arid counties.

Gender issues and youth rights relating to access to and control of land resources remain a challenge to sustainable development in arid and semi-arid lands. Women are often the primary users of land for residential and agricultural purposes, but are frequently denied primary and ownership rights to land and other natural resources because of cultural norms. Women are also often excluded from effective participation in land administration.

It is against this backdrop that FAO commissioned two situational analyses/assessments of women's and youth's community land access rights in Turkana and Tana River Counties. The validation workshops were supported by UN Women in collaboration with FAO.

Key findings of the overall study

The assessments in Tana River and Turkana Counties were conducted in April and May 2015 respectively. The assessments revealed that in Tana River and Turkana Counties, like other counties, women and

youth still face challenges accessing and controlling land and natural resources. This is despite the fact that women are the primary land users and agricultural producers. The challenges result from sociocultural and other factors that limit their participation in decision-making. The key findings of the assessments relate to land tenure systems, security of tenure, administration and management of communal land, factors affecting access by women and youth to community land, opportunities for advocating for women's land rights, and recommendations for enhancing access to and control of communal land by women and youth in the two counties.

The assessments established that lack of secure tenure in Tana River and Turkana Counties was a major challenge. Turkana County is facing new challenges in respect of the discovery of oil and the current investor interest in the area. Tullow Oil is currently carrying out exploration in the county, and this has raised concerns about how the host communities will benefit. There is a need for a proper legal framework on the sharing of profits/benefits from such natural resources in order to avert potential conflict.

Gender and land issues

Unrealized women's and youth's rights regarding accessing and controlling land resources still remain a challenge to sustainable development in arid and semi-arid lands. Women are often excluded from effective participation in the provision of land administration services. In Kenya, women account for just 5 percent of registered land holders nationally, and yet they make up over 80 percent of the agricultural labour force and 64 percent of subsistence farmers; they generate approximately 60 percent of farm-derived income¹.

Culture and traditions continue to support male inheritance of family land, and gender-sensitive family laws have not been formulated. Land markets based

¹ *Report of the Taskforce for the Review of Laws Relating to Women, Women's Status and Rights in Kenya*, p. 294.

on the principle of "willing buyer, willing seller" do not favour women, who are often vulnerable to poverty and male domination. There is a need to advocate for gender equity in respect of women's access to and control of land and natural resources.

Background of Turkana and Tana River Counties and land issues

Turkana County covers an area of 77 000 km², with a population of 855 399 (139 067 households), according to the 2009 population census. The county borders Ethiopia and South Sudan to the north and Uganda to the west. The bordering counties are West Pokot to the south, Samburu and Baringo to the south-east, and Marsabit to the east.

Turkana County is mostly inhabited by ethnic Turkana pastoralists, for whom land is predominantly communal. Before 2010, communal land ownership was governed by the Trust Land Act and managed by county councils as trustees. With the new dispensation ushered in by the Constitution of Kenya 2010, the National Land Commission is the trustee. This form of ownership will ensure the equitable distribution of resources for community members, who principally need the land for grazing animals. The members of the community do not have documents for individual parcels of land, except in urban areas where they are given allotment letters as proof of ownership.

Turkana County is under siege from various competing interests, resulting in land tenure issues, land grabbing, and displacement of people. Recent developments in oil and gas exploration, rapid urbanization, and speculation associated with the Lamu Port–South Sudan–Ethiopia Transport Corridor project and the planned lakeside resort city have added pressure and further compounded the problems. The establishment of the National Land Commission is a significant step towards facilitating the community to safeguard their



Lake Turkana. Photo credit: Adam PG.

land interests. The enactment and implementation of the Community Land Act will enhance the community's stake in the management of their land.

Tana River County is one of the six counties in the coast region. It borders Kitui County to the west, Garissa County to the north-east, Isiolo County to the north, Lamu County to the south-east, and Kilifi County to the south. The county has a total area of 38 862.2 km² and covers about 76 kilometres of the coastal strip; it has a projected population of 276 567².

Tana River has an intercensus population growth rate of 2.83 percent, slightly lower than the national average of 2.9 percent. The ratio of males to females is 99:100, and the pattern is projected to remain the

² Kenya National Bureau of Statistics, 2014.

same till June 2018. In a county with 76.9 percent of the population living in absolute poverty, and with a population growth rate of 2.8 percent, the projected increase in population has a major and direct impact on basic needs such as food, water, health care, and education for all ages. Efforts should be made to increase food production to cater for the increased population. In the water sector, the expectation is that the available water sources of Tana River will have to be tapped to increase the volume of clean water for consumption.

Tana River County is composed of three administrative subcounties: Bura, Galole, and Tana Delta. The county hosts various ethnic groups, including Pokomo, Orma, Wardei, Somali, Malakote, Munyoyaya, Bajuni, and Wata. The Pokomo, Munyoyaya, and Malakote engage



Tana River. Photo credit: R. A. Ward.

in farming activities, while the Orma, Wardei, and Somali are mainly livestock keepers. The challenge for the county is to ensure that all ethnic groups appreciate each other despite diversity in economic activities, culture, and religion. Besides Tana River, there are several seasonal rivers (*lagas*) in the county, which flow in a west-east direction from Kitui and Makueni Counties, draining into Tana River and eventually into the Indian Ocean. The water retained by riverbeds supports livestock and wildlife during the dry season. Riverbeds are the most appropriate sites for shallow wells, subsurface dams, and earth pans. However, these *lagas* are also major bottlenecks to reliable road transport, as they cut off roads during the rainy season.

Land tenure systems, land allocation, and land use

In both counties, the land tenure system is based on communal land ownership. Land access rights are mainly acquired through inheritance, even though purchase and allocation by chiefs is also a common phenomenon. It was noted that most land in Tana River and Turkana Counties falls under community land, hence no title deeds or documentation exist apart from allotment letters for plots in the town centre. Communities have informal ways of identifying their land for leasing to foreigners and county residents from different communities, using traditional boundaries that the clan elders are aware of. In Tana River County, the communities are dependent on

traditional indicators such as family graves, large old trees (e.g. mango trees), and watering wells to demarcate land. In Turkana County, the pastoralist community in Kalokol uses features such as *lagas*, certain tree species (e.g. the acacia), graves, and a sacred tree as landmarks and evidence of ownership.

Women have no land ownership rights, and property is mainly left to sons after the death of their fathers. Within agricultural communities such as the Pokomo, women are not even allowed to plant long-term crops such as mango trees, as this is considered a form of land ownership. However, the council of elders, known as *mangundo*, allocated land to organized women's groups and youth groups to carry out farming activities along the river.

Most men and women interviewed in the four communities in the Tana River County assessment argued that women should not own land; it is believed that once they are married, women should access land from their husband's clan. They also expressed fear that women are newcomers and leave at will, and there is an unfounded fear that if women get divorced, ancestral land can be transferred to another community, thus allowing other men (from outside the family) to own the land.

All community members – including women, youth, and persons living with HIV – are granted land access rights, and there are no restrictions as long as they belong to the community. The land is allocated according to how it is used (e.g. grazing, farming, fishing, and urban land uses), which is defined by communal land administration and management structures. During the dry season in Turkana County, people graze in the hills and around springs; during the wet season, they move to the *lagas* and closer to the settlements.

The major allocation procedures in both counties are through inheritance, mutual understating, leases, clearing of bushes for temporary occupation, irrigation schemes, and beach management units for fishing sites (Turkana County). Sons within the family are allocated a portion of land to settle.

In Turkana County, land is allocated by a council of elders (*Ng'ikasukou*); as in Tana River County, there are no restrictions on who can use the land as long as they belong to the community. Beach land along Lake Turkana is managed by the elders and chiefs, who agree on the terms of use. A lease is signed, and once it expires new terms are agreed upon. Lately, the county government has been involved in allocating land along the beach to investors.

For agropastoralists, such as those in Kerio ward, land is allocated to women to cultivate in the rainy season. There is also free access to the lake and no written rules on how to use communal resources, though oral rules exist and are passed down from father to son through ceremonies. The rules are set by elders, and the same elders enforce them, although terms and conditions may vary from one community to another. Sanctions are put in place for those who violate the rules.

Administration and management of communal land

The study found that the councils of elders are effective institutions that can be trusted to manage community land on behalf of the communities. The elders also undertake land allocation and conflict resolution and deal with inheritance issues and boundary disputes. However, it was noted that the councils are male dominated; though women leaders occasionally are co-opted, men still make the decisions. With a new constitutional dispensation that allows gender equity and participation, women and youth are being involved in communal resource matters, especially in the land management structures/committees. Chiefs are also involved in the management of communal resources, including land. With devolved governance and emerging investor interests, ward administrators, Members of County Assemblies, and Members of Parliament are increasingly getting

involved in communal land matters. More recently, some structures have been set up to handle land matters, including a committee formed by the Agency for Pastoralist Development in 2014 known as the Community Land Watch Network.

The assessment highlighted the weaknesses of the existing land management structures in both Tana River and Turkana Counties: corruption in land allocation and administration, weak arbitration and mediation techniques in land matters, poor planning of urban centres and processes (leading to conflict), ignorance of the laws and regulations pertaining to land use, influence by external forces such as area leaders and politicians, bias about women's participation, and not being in sync with the constitutional principles of gender equality and the provisions of the national land policy on rights to land. The respondents also blamed the elders for making critical decisions without consulting the larger community.

Access to community land by external investors

With the recent discovery of commercially viable oil in Turkana, the proposed plan for the construction of a resort city on the lake, and the Lamu Port–South Sudan–Ethiopia Transport Corridor through the region, Turkana County is expected to attract all sorts of businesses and investments. However, lack of constructive engagement between the community and the investors/developers for the successful management of these natural resources could lead to conflicts that result in negative impacts for the community.

According to the agropastoralist community in Kerio ward, external investors come through the Turkana County Government Office. Meetings are convened by the county office with the chief, the elders, and the entire community, including women and youth. When a company or external investor is interested in setting up an investment in the area, the community negotiates and gives conditions for the investor. For

example, when Tullow Oil came into the community, several such meetings were held, and representatives for all the groups were given an opportunity to speak. The youth benefitted from the oil company by gaining employment, and elderly men were recruited as Village Social Officers. These officers are the channels for communication between the company and the community. Other investors provide support by establishing facilities such as health centres, schools, or bursary funds for the youth.

During their exploration activities, Tullow Oil has promised to establish facilities, but when they do not find oil prospects, they move to other sites without informing the community. The local community is left thinking that their interests have not been considered. This has led to communities not being receptive to investors. In addition, there are often no written agreements on benefit sharing between an investor and the community. This is an important issue that should be addressed through policy and legal frameworks. A framework for meaningful consultation should also be put in place, and the communities need empowerment on how to engage with the investors.

In Tana River County, external investors interested in using community land usually negotiate with the elders in consultation with the main administrator (chief), the relevant government office, and/or political leaders. The four communities explained that an external investor who has interest in land is first introduced to the chief and village elders, then the chief calls a community meeting commonly known as a *baraza*. During this meeting, which involves men, women, and the youth, the chief and village elders explain to the community the intentions of the investor, and if the community members give their okay the matter is handed over to the council of elders to finalize the transaction. There are rare occasions where negotiations are done by individual heads of families. For example, within the Munyoyaya community where land is owned by families through inheritance, individual families negotiate with the investors to allocate part of their land. They use certain features to mark and demarcate the boundaries. However, the

chances of these families getting exploited are very high: since there are no title deeds, the families just sign sale agreement documents.

In the Orma community, there is a specialized committee comprised of elders whose task is to discuss and evaluate applications by investors in the community. The committee consults the chief and the council of elders (*Matadeda*) before making decisions. Investors are not always guaranteed access to land and other natural resources, and in some instances the community has turned down their application.

Resource-based conflicts and conflict resolution mechanisms

The two counties have pastoral and agropastoral communities, which are prone to resource-based conflicts over grazing areas, water points, boundaries, urban expansion, fencing of livestock passage routes, and conservancies. An additional conflict source peculiar to Turkana County is Kakuma Refugee Camp. It was noted that the hotspots for conflict were Kakuma Refugee Camp and Lokichar Kainuk, Lokori-Katilu, Kaptir, Lokichogio, Nanam, Nadapal, Loteteletit, Kabich, Todonyang, Napeitom Kapedo-Silale, and Nadome-Amaya areas. The urban hotspots included Lodwar, Kakuma, Kainuk, Kamlemungorok, and Lokori areas.

In Turkana County, conflicts are also common within towns and market centres, where people have land allotment letters. In the fishing community, men who go out to fish are occasionally attacked by people from the other side of the lake for fishing in their territory. Sometimes they are also confronted by the beach management authority for not complying with the regulations. More recently, resource-based conflicts have occurred in areas where oil wells have been discovered, and there are fears that the proposed plan to construct the Lamu Port–South Sudan–Ethiopia Transport Corridor and a resort city on Lake Turkana

could also trigger some conflicts between the community and developers. There is a need to strike a balance between potential gains from the investments and negative impacts to the community, with an effort to minimize the latter. In the last two years, there was some employment-related conflict between the community and Tullow Oil, but this was resolved by the joint efforts of Members of County Assemblies, Members of Parliament, and the police.

In Tana River County, the Pokomo and the Orma communities cited frequent conflicts, especially during the dry season. The Orma are pastoralists while the Pokomo are agropastoral, and most Pokomo farming activities are carried out along the Tana River. The conflicts result from disputes over grazing blocks and water resources, especially the *lagas*. They also have resource-related conflicts with Somalis when they pass through their community land with large numbers of cattle in search of pasture and water. In Munyoyaya and Wardei communities, most of the conflicts relate to watering points, land grabbing, and livestock corridors.

Traditional dispute resolution mechanisms are provided for under the constitution and shall not be used in a way that contravenes the bill of rights. They shall also not be used in a way that “is repugnant to justice and morality” or results in “outcomes that are repugnant to justice and morality”. The respondents indicated that the council of elders play an important role in resolving conflicts, but also underscored the role of chiefs, national and county government structures, the court system, peace committees, and non-governmental organizations dealing with land issues and governance.

Communities have very little knowledge about what is enshrined in the constitution regarding communal land governance. Their understanding of land administration and related issues is very limited. Provision of civic education on land matters by relevant authorities is critical.



Woman in Turkana County. Photo credit: UN Women.



Boat on Tana River at Hola. Photo credit: T. King.

Knowledge of the constitution and communal land governance matters

In both Turkana and Tana River Counties, the study revealed that the communities interviewed had very little knowledge about what is enshrined in the constitution regarding communal land governance. Some interviewees from Tana River stated that they had heard very little about the constitution, the National Land Policy, and the provisions relating to the classification of land into three categories: private, public, and community. There were a few people – the chiefs, the council of elders, and schoolteachers – who knew something about the constitution and the legal frameworks governing land and natural resources. However, some non-governmental and community-based organizations implementing projects in the area have been raising awareness through *barazas* on women's land rights. The situation calls for even more awareness creation on the provisions of the constitution, land policy, and legal frameworks governing land and natural resources.

Factors affecting women's and youth's community land access rights

A major impediment to women's and youth's access to community land highlighted by the assessment in both counties is cultural beliefs and traditions that discriminate against women and youth. The respondents noted cultural, economic, political, and legal factors. One example was that most women and youth live below the poverty line, as their attention is focused on how to access basic needs for their families. The respondents also mentioned that unclear boundaries are a source of conflict, and the boundary disputes scare women and youth. Other examples were the high illiteracy rate among women, a lack of role models, gender inequality, poor access

- Raising the standards of education in the community, particularly for girls and women, will enable women to advance and fight for their rights. The county government and other development partners should continue with their efforts to raise the standard of education in Turkana and Tana River Counties, especially in the rural areas.
- Where there is little regard for education, especially girls' education, men with daughters should be approached, sensitized, and used to advocate for the rights of women in the community.

to information, and inadequate knowledge about existing legal frameworks on land. Corruption and a lack of political good will also featured as barriers to women's and youth's access to land.

Culturally in Turkana County women are not allowed to own land and cannot make decisions on land matters. Women and youth participate in meetings as listeners, but not as decision-makers. According to the agropastoralist community in Kerio ward, there are exceptional cases where a woman can own land. If a woman is not married and has a child, her father may choose to allocate some land to her and the child. Within the pastoralist community in Kalokol, as in many others, there is a very clear division of labour between men and women, with well-defined roles and responsibilities. A woman cannot assume a man's role, and therefore matters of land are left to the men. Social factors also hinder women's participation in the management of communal land: due to socialization, women find it difficult to stand before men and give their views, even when given an opportunity.

The youth also face challenges. The councils of elders argue that the youth are emotional, inexperienced, and irrational and cannot be trusted to make decisions on land matters, which are deemed very serious. The elders say that the youth have not had enough

experience to understand the importance of land and the need to preserve customary traditions in decision-making.

Opportunities for advocating for women's and youth's land access rights

The assessments in both counties established that there are opportunities for advocating and strengthening women's and youth's land access rights within their communities. The respondents agreed on the importance of the implementation of the constitutional principles on gender equality and non-discrimination as a means of ensuring women's and youth's land access rights. The constitutional provision on participation by and consultation with all stakeholders was also highlighted as a way of enhancing access.

The communities visited in Turkana County stated that there are numerous opportunities for advocating for women's, youth's, and vulnerable groups' rights in general and communal land rights in particular. In Kerio ward, an agropastoralist community pointed out that Maendeleo ya Wanawake Organization is an excellent channel for advocating for women's right to participate in communal land allocation and management. In Eliye Springs, a male youth key informant perceived the youth as very good advocates for women's and youth's land rights, as they are educated and well informed. In the same community, Japan International Cooperation Agency, African Development Solutions, and Agency for Pastoralist Development were reportedly supporting initiatives that address land issues. Some organizations have established committees to address land issues in the county. The government's Hunger Safety Net Programme was perceived to be a good channel for advocacy, since it targets the elderly, who can greatly influence the community.

Other agencies mentioned include Friends of Lake Turkana and Oxfam. The opportunities for advocacy are highlighted in the recommendations below.

1. There is need for civic education by relevant government authorities and continuous sensitization of the community on women's land rights through barazas. One of the ways to reach the community is during market days. Such forums are useful for convening the community, addressing them on issues collectively, and creating awareness.
2. The youth should be specifically targeted as vehicles for advocacy because they are educated and knowledgeable and are the future leaders.
3. Since communities have a lot of faith in existing communal land management structures (councils of elders), if adequately trained and sensitized, they can be very effective in advocating for the land rights of vulnerable groups such as women and youth.
4. Newly established committees can work closely with existing structures to advocate for the land access rights of vulnerable groups.
5. Women should be empowered through sensitization activities so that they can learn speak for themselves. Exchange visits to other parts of the country where women have equal land access rights and participate in decision-making are a good avenue for such sensitization.

Conclusion

Land is a key resource that is linked to livelihoods for all. The study revealed that despite the existence of legal and policy frameworks that protect women in Kenya, women and youth are still disadvantaged in terms of access to and control of land. Gender inequality and sociocultural factors play a major role in the vulnerability of women and youth in their quest to realize community land access rights. These issues need to be addressed effectively to ensure that women and youth have access to and control over land in these counties.

Recommendations

The following are the recommendations based on the findings of the overall study in Tana River and Turkana Counties:

- Awareness creation (community sensitization) by non-governmental organizations to enlighten the communities on their rights and the importance of adhering to constitutional principles, including those relating to participation and consultation
- Translation and contextualization of the Constitution of Kenya with the realities on the ground for the people of Turkana and Tana River Counties
- Promotion of adult education to improve literacy levels
- Formation and strengthening of women's groups to empower them (Maendeleo ya Wanawake, Sauti ya Kina Mama, community forest associations, etc.)
- Mainstreaming gender and integrity in land governance to root out corruption
- Proper land use planning and formation of group ranches for the sustainable management of resources
- Exposure visits to other communities to exchange ideas on how to move forward with the women's land rights agenda
- Synergies with relevant offices in the county government
- Working together with religious leaders and organizations to advocate for women's/youth's rights
- Working with local leaders (Members of County Assemblies, Members of Parliament) to become change agents
- Leveraging what other actors are already doing to empower youth and women
- Capacity building of the councils of elders on issues such as arbitration and mediation skills
- The legal framework to protect community land rights (the Community Land Act and related actions) should be fast-tracked

List of statutes

Constitution of Kenya, 2010

Community Land Act 2013, Kenya

Land Act 2012, Kenya

Session Paper No. 3 of 2009, National Land Policy of Kenya

Land Registration Act 2012, Kenya

County Government Act 2012, Kenya

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I7074EN/1/05.17