

Investigating Women's Role in Land Reform: Evidence from Kajiado West Subcounty, Kajiado County

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ABSTRACT

This study investigates the persistent gap between Kenya's progressive land reform laws and the lived realities of women in Kajiado West Sub-County, a region characterized by entrenched patriarchal norms. While the 2010 Constitution guarantees gender-equal land rights, women's access to and control over land remain severely limited by customary laws and a lack of formal empowerment. The primary objective was to examine the actual roles women play in land reform processes as champions, agents of change, or claimants of rights and the barriers they face. Employing a mixed-methods approach, the research utilized a structured questionnaire with 135 residents and qualitative data from key informant interviews and focus group discussions. Findings indicate that women overwhelmingly support equitable reforms and act as change agents through informal support networks. However, their participation is constrained by limited formal leadership roles, low legal literacy, and cultural resistance. The study concludes that legal frameworks alone are insufficient; effective change requires targeted interventions that combine legal education, capacity-building for women leaders, and initiatives to shift patriarchal norms, empowering women to become substantive rather than symbolic stakeholders in land governance.

Keywords: Gender; Land reform; Women's empowerment; Women's rights; Kenya

INTRODUCTION

Land is a vital economic and cultural resource, crucial for women's livelihoods and empowerment. In developing countries, land provides food security, income, and collateral for credit. For women, secure land rights are linked to economic well-being: land ownership can enhance their decision-making power, income potential, and social status (Budlender, 2011; Musangi, 2017; Mwangi, 2022). In Kenya, the Constitution of 2010 reformed land governance to promote gender equality, mandating equal property rights and affirmative action. Article 61 guarantees everyone's right to own property, and Article 27(6) obliges measures to eliminate gender discrimination in land laws.

Yet despite this progressive legal framework, entrenched patriarchal norms and customary laws continue to undermine women's access to land. Studies note that Kenyan women rarely hold land titles – even joint titles – and are often excluded from inheritance by customary practices (Flintan, 2008; Olum, 2015; Oxfam Kenya, 2022). For example, among the Maasai of Kajiado County (the focus area), customary rules allow women to live on family land only as guests of male relatives and prohibit inheritance for daughters. Nationally, women receive only a tiny fraction of land titles: of 3.2 million titles issued (2013–2017), only 10.3% went to women while 86.5% went to men. This gender gap persists despite women comprising over 80% of Kenya's agricultural labor force.

Kajiado West Sub-County (predominantly Maasai) exemplifies these dynamics. In this patriarchal context, women's roles in land reform processes and governance may be limited or symbolic. This study specifically examines the role of women in land reforms in Kajiado West. That is, it explores how women engage with land reform initiatives: as participants in governance, claimants of rights, and contributors to advocacy. This focus aligns with emerging gender justice perspectives, which envision women as agents of change and justice champions – educating communities, challenging harmful norms, and formally asserting their rights.

Understanding women's actual roles and obstacles in these efforts is vital for effective policy. This article presents empirical findings from Kajiado West on women's land access, decision-making power, awareness, and leadership in land governance.

LITERATURE REVIEW

Kenya has ratified multiple international instruments affirming women's land rights. Key global commitments include CEDAW (1979) and the Beijing Platform (1995) which call for women's equal property rights and access to economic resources, including land. The Sustainable Development Goals similarly mandate that women have equal rights to land ownership (SDG 5.a). Regionally, the Maputo Protocol (2003) explicitly guarantees African women's equal right to inherit and own property. Domestically, Kenya's 2010 Constitution and subsequent land laws aimed to actualize these commitments. Land reforms included the Land Act (2012), Land Registration Act (2012), Matrimonial Property Act (2013), and the establishment of the National Land Commission. For instance, the Matrimonial Property Act requires spousal consent for sale of matrimonial land, protecting wives' rights. Article 61 of the Constitution affirmatively prohibits gender-based discrimination in land laws, and Article 27(6) calls for affirmative action to redress historical disadvantages. These reforms are intended to address long-standing gender gaps (Syagga, 2014).

However, literature consistently finds that customary norms continue to limit the impact of such reforms. In many Kenyan communities, including pastoralist groups, customary law prevails over statutory law in practice (Kameri-Mbote, 2005; Flintan, 2008). Under customary tenure, land is often held by male family lines and women's rights are mediated through husbands or male relatives (Ang'awa, 2015; Budlender, 2011). For example, Ang'awa (2015) notes that among the Maasai "customary laws allow women to live on land only as guests of male relatives and bar them from inheritance or ownership". When families formally register land, women's informal security often erodes: titling can displace women from land they once worked (Gaafar, 2014; Graff, 2014). According to Mbote (2005), legal changes may inadvertently legitimize existing injustices if not coupled with social change. Empirically, studies show large gender gaps: national surveys find women comprise a small share of titled landowners and are underrepresented in land decision-making (KLA, 2021; Otieno & Kimani, 2021; SID, 2006).

Many scholars have highlighted the importance of awareness, participation, and empowerment for closing these gaps. For instance, Lastarria-Cornhiel (2006) argues that giving land rights to women can empower them economically and socially. However, empowerment requires more than legal provisions: frameworks like Sarah Longwe's emphasize that access alone is insufficient without control and decision-making power. Gender analysis frameworks (e.g. the Harvard Analytical Framework) underscore that both access to resources and control over resources must be evaluated. Empirical research in Kenya suggests that raising awareness of rights and building women's leadership are critical (Otieno & Kimani, 2021; Oxfam, 2022).

The literature indicates, however, that on the ground in Kenya, women's participation often remains symbolic. This study examines to what extent women in Kajiado West embody these roles and what barriers limit them.

METHODOLOGY

A mixed-methods case study design was employed to capture the complex dynamics of land reform at the community level. The study area was Kajiado West Sub-County (particularly Kiserian location: Olteyani and Naserian wards). Quantitative data were collected via a structured questionnaire administered to a purposive sample of 149 adult residents (both men and women). The target sample included household heads and landholders to reflect local land tenure realities. A total of 135 questionnaires were completed and returned (90%

response rate). The questionnaire covered demographics, land ownership, land acquisition methods, decision-making roles, and attitudes toward land reforms.

Qualitative data were gathered through key informant interviews (KIIs) with land officials, community leaders, and gender advocates, as well as focus group discussions (FGDs) with male and female residents. The KIIs and FGDs explored perceptions of women's roles in land reform processes, challenges to women's land rights, and examples of women's participation or activism. All interviews were semi-structured and thematic analysis was used to identify recurring patterns and insights. Quantitative data were coded and analyzed in SPSS, using descriptive statistics and cross-tabulations to compare responses by gender. Thematic analysis of qualitative data followed coding of transcripts to extract illustrative quotes and community narratives.

Ethical considerations for this study included obtaining informed consent from all participants, ensuring their anonymity and confidentiality throughout the process. The research adhered to the principles of voluntary participation. All data collection and analysis were conducted with sensitivity to the cultural and social context of the local community.

RESULTS

A. Women as Gender Justice Champions

Women in Kajiado West demonstrate a strong inclination toward equitable land reforms, with 80% of female respondents expressing strong or moderate support for gender-equal provisions such as joint titling and inheritance rights. In contrast, 35% of men actively oppose such reforms. Some men privately support women's rights (e.g., quietly bequeathing land to daughters) but avoid public endorsement to prevent conflict and exclusion from male led initiatives and decision making.

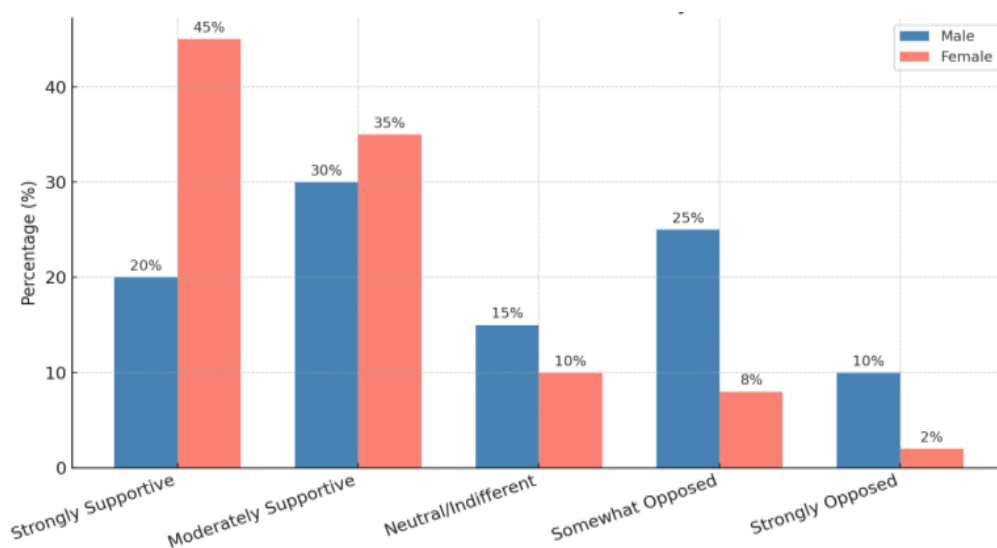


Figure 1: Attitudes Towards Land Reforms by Sex

Source: Field Data (2025)

Despite this strong demand for reform, women's formal engagement as leaders in reform processes remains limited. Few have participated in land rights awareness meetings or received formal training in land governance. Despite participating in land rights awareness meetings and improved knowledge, few are keen to report or follow up on reported violations. It is in reporting and following up on violations that reforms are tested and jurisprudence emerges, otherwise, there is a tendency to conclude that the instituted reforms are responsive and sufficient.

Additionally, where leadership roles are reported they are mostly informal, such as small support groups formed by women to assist widows navigating succession issues. This points to limited mobilizing and organizing

amongst women in order to champion for rights, cross pollinate and amalgamate voices, creating differentiated knowledge levels amongst different ages. Only about half of the women surveyed were aware of their constitutional land rights, with older and rural women exhibiting particularly low awareness, often relying on family for information. This legal knowledge gap limits their ability to assert entitlements, including spousal consent in land transactions.

B. Women as Agents of Change

According to study results, 80% of female respondents and 50% of males expressed strong or moderate support for gender-equal provisions, such as joint titling and inheritance rights unlike 35% of men who actively oppose such reforms.

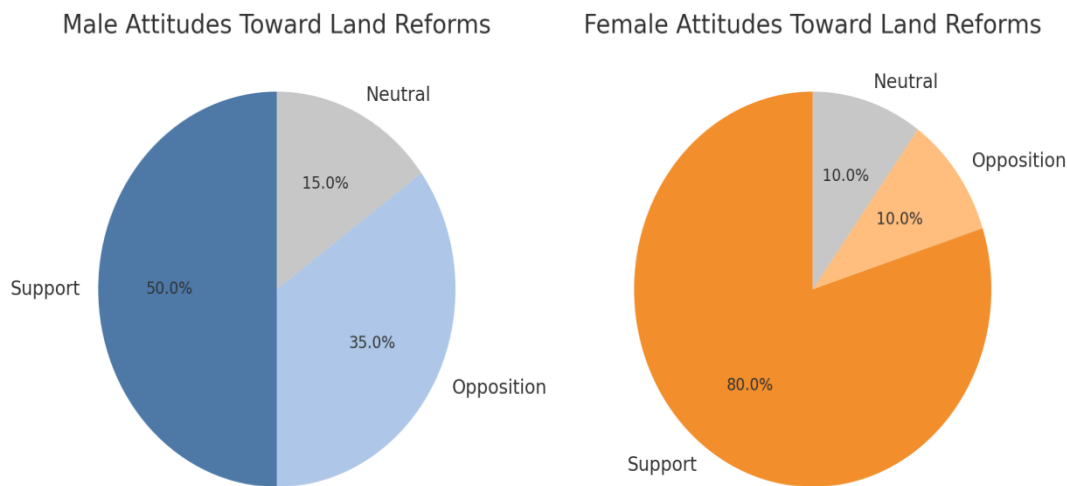


Figure 2: Support and Opposition to Land Reforms by Sex

Source: Field Data (2025)

This finding underscores the community's overwhelming support for gender-equal land reforms and positions women as potential "agents of change" eager to challenge and shift harmful social norms and narratives. Their desire is to move beyond mere access to land towards genuine control and empowerment, aligning with the "Longwe Framework" caution against access without control.

C. Women as Rights Claimants

The study shows that women's capacity to advance claims effectively is significantly limited by knowledge gaps and institutional mistrust. Figure 2 reveals that men overwhelmingly report high knowledge of legal mechanisms (60%) compared to women (30%), while women are more likely to fall within moderate knowledge (40%) or low/no knowledge (30%) categories. This knowledge disparity constrains women's ability to engage in complex legal processes such as succession litigation, dispute resolution, or formal adjudication of property claims.

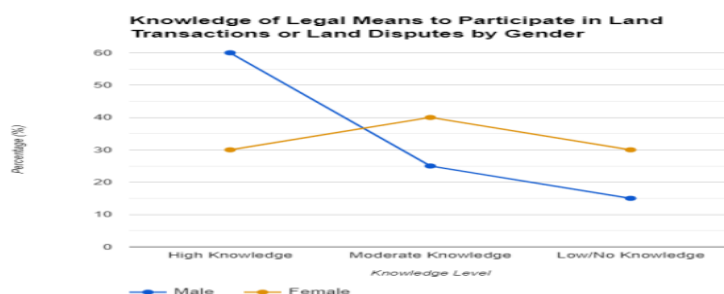


Figure 3: Knowledge Gaps by Sex

Source: Field Data (2025)

Against this backdrop, Women in Kajiado West frequently voice their needs and highlight legal omissions and double standards within the land tenure system. Informal support groups formed to assist widows navigating succession issues exemplify their willingness to confront systemic inequities and seek remedies even without formal institutional support. These grassroots efforts demonstrate women's emerging role as rights claimants—individuals willing to assert entitlements and challenge discriminatory practices.

Additionally, the absence of formalized mechanisms to support women's collective actions results in fragmented and often unrecorded contributions. Cultural resistance further compounds these challenges, reinforcing exclusion and stigma and against women who assert their rights. This further impacts the agency levels of especially rural/remote based women. Women's low trust (65%) in formal land governance institutions attributed to procedural delays and cultural sanctions further discourages them from pursuing formal claims. As a result, while women have demonstrated their capacity to articulate rights-based demands, structural, cultural, and informational barriers continue to hinder their effectiveness as formal rights claimants.

D. Women as Administrators and Managers

Only 20% of women hold substantive decision-making roles in land governance despite 35% holding formal appointments to Land Control Boards.

Table 1: Representation in Land Governance Structures by Sex

Institution	Female Representation (%)	Male Representation (%)
Land Control Boards	20	80
Clan Elder Councils	10	90

Source: Field Data (2025)

Many women respondents describe their roles as "one seat to just sit and agree." Urban-based female board members in Kisamis achieved greater impact through case vetting and public referrals, but female members in remote areas were often absent from community visits and land control board sittings/sessions. Their absence is largely attributed to many having summoned and sanctioned at community level for challenging decisions made by men in favor of patriarchy and culture during sessions, negatively impacting their agency and participation/role execution. This points to patriarchy and culture remaining deeply rooted and potent within the remote areas of Kajiado West.

Decision-making remains male-dominated: 80% of male respondents reported being the primary decision-makers on land issues, while only 20% of women reported the same. Although 60% of women reported joint consultations, only 20% of men acknowledged shared decision-making. Cultural stigma persists, with FGDs revealing that husbands consulting their wives are likened to "goats."

DISCUSSION

The findings reveal that women in Kajiado West demonstrate strong support for gender-equal land reforms, positioning them as potential gender justice champions. Their overwhelming endorsement of reforms, including joint titling and inheritance rights, contrasts with male resistance rooted in perceived threats to authority and cultural disruption. This illustrates a readiness among women to advocate for fairness and equity in land governance.

However, translating this enthusiasm into transformative change is constrained by four key factors: limited formal leadership (mobilizing and organizing), low legal literacy, patriarchy and male dominance and cultural norms. Women's participation in governance structures remains largely symbolic, with most appointments

offering little influence over the existing status quo maintaining decision-making. Cultural stigma, exemplified by attitudes that consulting wives on land matters undermines masculinity, further entrenches gendered power imbalances.

Despite these constraints, women act as agents of change, educating peers, forming informal support groups, and highlighting inequities in succession and adjudication processes. Yet, the absence of formalized mechanisms for grassroots contributions, coupled with women's low trust in land governance systems, undermines the sustainability and visibility of these initiatives.

Policy responses must therefore move beyond symbolic inclusion to substantive empowerment. Three priority interventions emerge:

- **Legal Literacy and Awareness Campaigns:** Expand outreach targeting rural and older women to close the legal knowledge gap, enabling them to assert rights effectively, including spousal consent requirements and inheritance claims.
- **Capacity-Building for Women Leaders:** Strengthen the skills of women already appointed to land boards, ensuring their participation is substantive rather than tokenistic, while encouraging mentorship to build a pipeline of female land governance leaders.
- **Cultural Norm Change Initiatives:** Engage community elders and male allies in dialogue programs to challenge patriarchal norms and destigmatize women's involvement in land decision-making.

These measures can transition women from passive beneficiaries to active rights claimants, administrators, and leaders capable of influencing structural reforms and delivering equitable outcomes in Kenya's evolving land governance landscape.

CONCLUSIONS

This study establishes that women in Kajiado West continue to occupy a limited and often symbolic role in land reform processes, despite the constitutional guarantee of gender-equal land rights under the Constitution of Kenya (2010). Customary practices, entrenched patriarchal norms, and tokenistic institutional representation constrain women's participation and decision-making authority. Yet, women demonstrate overwhelming support for gender-equal provisions such as joint titling and inheritance rights, illustrating their readiness to act as gender justice champions and agents of change.

Bridging the disconnect between progressive legal frameworks and rural realities requires targeted interventions that combine legal literacy, capacity-building, and cultural norm change. Specifically, investment in community-based legal awareness campaigns, structured training for women leaders in land governance, and deliberate engagement with male allies and community elders can strengthen women's agency and leadership. These measures are critical to transitioning women from passive rights holders to active and empowered stakeholders in Kenya's evolving land governance landscape.

Secondly, leadership and participation: quotas or affirmative action should be instituted in local land governance bodies to ensure women's substantive voice (not just symbolic presence). Providing women with training in governance and legal processes will help them act as the "agents of change" envisioned in gender justice discourse.

Third, community norm change: programs involving both men and women can challenge patriarchal attitudes. Men's covert support for women's rights suggests potential allies if norms shift; creating dialogue and recognizing positive stories (e.g. those giving land to daughters) can reinforce change.

Finally, formalization of women's roles in land administration is critical. The journal notes highlight that women as official land managers or officers can institutionalize gender perspectives. Encouraging women to take on

such roles – and recording their participation – will transform them from marginal participants to stakeholders with influence.

In sum, the findings emphasize that legal reforms alone are insufficient. To realize women's land rights, practical empowerment actions must accompany policy: educate women on their entitlements, expand their decision-making roles, and dismantle the patriarchal norms that currently render their involvement symbolic. By doing so, women can truly become champions of justice in Kenya's land reforms, fulfilling both the letter and spirit of the 2010 Constitution.

RECOMMENDATIONS

Addressing these intersecting barriers knowledge gaps, institutional weaknesses, and socio-cultural resistance offer a pathway for women to transition into empowered rights claimants, administrators, and leaders capable of influencing equitable and inclusive land governance.

- **Legal Literacy and Paralegal Training:** Establish community-based legal literacy programs and paralegal training tailored to rural women. These initiatives should focus on succession law, joint titling processes, and land dispute resolution, thereby bridging the knowledge gap illustrated by gender differences in legal awareness.
- **Strengthening Grassroots Support Structures:** Formalize and support existing women-led informal support groups (e.g., widow assistance networks) to provide structured platforms for succession guidance, rights-claim filing, and collective advocacy.
- **Capacity-Building for Women in Governance:** Enhance training for women appointed to land administration boards to ensure substantive participation, moving beyond tokenistic inclusion. Mentorship and leadership development programs should be implemented to prepare more women for decision-making roles.
- **Institutional Reform for Inclusivity:** Enforce and monitor policies that require balanced gender representation and active participation in land adjudication committees and dispute resolution forums, ensuring women's perspectives shape decision outcomes. Monitor the activities of institutions such as Land Control Boards, by conducting audits to spot omissions and violations and prevent instances and minimize risks of entrenching patriarchy and male dominance.
- **Cultural Norm Change and Community Engagement:** Implement campaigns targeting men, community elders, and opinion leaders to address cultural stigma that undermines women's agency in land matters. Encouraging male allies to publicly support gender-equal reforms can shift perceptions, change narratives and reduce resistance.

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