



# Gender and Land Grabbing

*A post-colonial feminist discussion about the consequences of land grabbing in Rift Valley Kenya*

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**Abstract**

This study has the aim to analyze what impacts land grabbing in Rift Valley, Kenya, has on rural poor, as it is perceived from a gendered perspective. Land acquisitions, or land grabbing, is a growing global phenomenon, where companies and states (foreign and domestic) are claiming land for investments, to secure the growing demand for food and biofuels, with negative impacts on the rural population. Most exposed are the rural poor women. The gender issue is however not analyzed in a proper way in the debate, which is why study is important.

In Rift Valley, Kenya the situation is slightly different with domestic actors standing behind the grabs. The consequences are nonetheless felt by the rural poor population, especially by the women. Through field studies and interviews with women exposed to the phenomenon I have found that even though legislation exists to provide human rights, these are often violated on the ground. Women's experiences are examined and together with other first- and secondary sources these are analyzed with the theoretical lens of post-colonial feminism and the capabilities approach, leading to the conclusion that women are more vulnerable for land grabs but are capable actors fighting to make their lives better.

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## 1. INTRODUCTION

The need to feed a growing world population and secure food and biofuel production, has led to a growing demand for land, where investments can take place. This rising interest in farmland is above all aiming for Sub-Saharan Africa (WB 2010: xiii) and the “idle” land there. The phenomenon is widely debated and civil society organizations, NGOs and academics call for a pause in the growing issue of these (large-scale) land acquisitions, often referred to as *land grabbing*, due to the social impacts, lack of local participation and human rights violations. (Borras and Franco 2012, De Shutter 2011, Gregow et al et al 2012, La Via Campesina 2012, Oxfam 2011, Rosset 2011) On the other side of the debate the World Bank (WB) and the Food and Agriculture Organisation of the United Nations (FAO) believe that it can be a win-win situation with economic and technological progress, employment and infrastructural development (Cutola et al 2009, World Bank 2010). However, both sides acknowledge the complexity of the phenomenon and say that investments in many African states are problematic due to unsecure tenure systems and complex land situations (Borras and Franco 2012, Cotula et al 2009).

Lacking from the debate is a deeper analysis of the gendered implications of the phenomenon, even though it is commonly known that women are more vulnerable when it comes to land changes (Gray and Kevane 1999, Mutangadura 2004). The debate is further focusing on foreign investments, when the land grabbing situation often is more complex than that (Hall 2011). In Kenya the land grabbing situation has different faces depending on what part of the country you examine. Whereas the coast and areas close to Lake Victoria are experiencing grabs by foreign investors (FIAN 2010), other parts of the country are exposed to domestic actors grabbing land. Evictions are in these cases not unusual and resettlements often follow (O’Brien 2011).

Land in Kenya is continually considered one of the most important issues and 80 % of the population is dependent on it for their livelihood (FIAN 2011), which makes land into one of the most important human rights issues in the country. Kenya is also a patriarchal society and only 1 % of the women have land titled in their names; these women are however often part of the higher classes and only few rural poor women have true land rights. This means that

women are usually more exposed to poverty since they make up the majority of the rural poor, and even if the Kenyan constitution is promoting gender equality (The Constitution of Kenya), it is far from the reality on the ground.

The land grabbing situation in Kenya can be considered a result of the colonial power structures and is different from the situation discussed in the global debate. Similar are the consequences on the rural population. People are evicted from their homes, squatting illegally on public land and people in power have taken the best agricultural land. This is affecting big parts of the rural population and above all the rural poor women. Yet little is said about the gendered impacts land grabbing has, both in the case of Kenya and in the global debate. This human rights issue needs to be addressed in a deeper way to make a fair analysis of land grabbing, which is why this study has a feminist approach.

## 1.1 Purpose

The aim of this thesis is to analyse the land grabbing situation in Kenya, specifically in the area of Rift Valley, from a gender and culture sensitive perspective. Through analysing women's experiences I want to see in what ways land grabbing has affected their lives and how they are experiencing the situation. Of importance is also to see what political actions have been taken and what actions are taken in the rural societies.

## 1.2 Questions

What is characteristic about the land grabbing situation in Rift Valley, Kenya, as it is perceived from a gendered perspective?

1. What is land grabbing?
2. What are the consequences of it and how is the situation perceived by rural poor women?
3. Is actions taken to change the situation? If so, in what way?

## 1.3 Delimitations

I have chosen to focus on the gendered impacts of land grabbing in Rift Valley, Kenya, which is analysed from a feminist and post-colonial perspective. The legal aspect of the phenomenon is thus not analysed. The constitutions and legislation are described to show what political actions has been taken and are discussed and problematized as a part of the result. These are, however, not used as a legal framework in my analysis. The study is also limited to the area of Rift Valley and the special situation there.

## 1.4 Chapter outline

To be able to make a gender analysis of the land grabbing situation in Rift Valley, Kenya we first need to understand the historical background, both when it comes to the land situation in the area but also in terms of global patterns. The starting point of this thesis is presented in the methodological discussion, chapter 2, where the post-colonial structures as well as my role as an author are described and questioned. This chapter also discusses advantages and disadvantages of the qualitative approach that this thesis adopts. In chapter 3 I have a deeper discussion about feminist theories and post-colonialism, showing how these are dependent on each other when conducting an analysis of a phenomenon occurring in a former colony. Chapter 4 is a review of the contemporary land grabbing debate, explaining the phenomenon and presenting the two main sides of the debate, leading to chapter 5 and the case of Kenya. To understand the land grabbing situation in the country there is a need to see the historical background and be familiar with legislation regarding land. After this, the land grabbing situation and the gendered impacts of it is presented. The result is presented first on a more general level and then exemplified with the case of an area called Manjani Mingi, where most of my field work has been conducted. Chapter 6 consists of an analysis, in which the gendered impacts are discussed from a post-colonial feminist perspective, which is followed by conclusions and recommendations.

## 1.5 Terminology

Allotment letter	Legal document confirming that land has been given to you, including both rights and obligations
Land	1) Public land: land held by government for the best interest of the population for instance: “government game reserves, water catchment areas, national parks, government animal sanctuaries, and specially protected area” (The Constitution of Kenya 2010: Art. 62. (1) (g)) 2) Community land: “Community land shall vest in and be held by communities identified on the basis of ethnicity, culture or similar community of interest” (Ibid: Art. 63. (1)) 3) Private land: “registered land held by any person under any freehold tenure” (Ibid: Art. 63 (a))
Protected areas	Land/areas protected by the constitution or legislation for the public interest
Resettlement	People are moved from one area to another. OR: People that have been evicted, legally or illegally, are placed in a new area. This should include (new) land titles
Squatters	People occupying or living illegally on public/community or private land
Settlement schemes	Citizens that were displaced from land during colonization have been resettled by the government after the colonial period according to these schemes
Table banking	Banking system created to empower people (women), where they are saving and borrowing from themselves. The interest goes back to the group (in the case mentioned in this study)

## 2. METHOD AND LITERATURE

The human rights aspect of land acquisitions or land grabbing, is widely discussed on a general and case oriented ground where almost all studies are showing negative effects on the rural poor. This study is a field study of the specific case of Rift Valley, Kenya, with the aim to do an analysis of the situation from a gender perspective. The case has been selected due to the special land situation in the area, where many of Kenya's Internally Displaced People (IDPs) are found. It is also a place where many civil society organisations and NGOs working with the land issue have their base, which makes it easier to get in contact with people. It is for instance one of these organisations that has introduced me to the people for my interviews.

The study has a qualitative approach based on qualitative interviews where people's experiences and the uniqueness in them are important, something that creates a deeper understanding of the phenomenon (Holme and Solvang 1996: 78). There are however problems regarding the chosen method, like the fact that I cannot generalise the material to the same extent as possible in quantitative studies. It could therefore have been of interest to do a quantitative study based on surveys handed out to women, but I am more interested to hear how and in what ways land grabbing has affected these women's lives in a deeper way, which makes a qualitative method more suitable. Another strength with doing interviews is further that I have been able ask more sensitive questions (Holme and Solvang 1996: 82-83).

The uniqueness of different stories plays a central role in this study, which goes hand in hand with the post-colonial feminist approach adapted in the thesis. This theory underlines the importance of hearing women's stories since they are often untold. It also underlines the importance of analysing these stories in a post-colonial context as they live outside the Western context (Cabin 2011, Mohanty 2005). White feminists tend to describe "Third World Women" as subjects in need of help while research about women at home instead points out women as enlightened objects (Cabin 2011). This put pressure on my role as a researcher, which is discussed below.

Specific for the use of qualitative studies is the flexibility and the need to change the structure of the interview as you go along, both when it comes to what questions to ask and in what order to ask them (Holme and Solvang 1996: 79-80). In this specific study the flexibility also had to lie in the structure of the interview. From the start I aimed to do individual depth interviews, but as time went on I realized that the women felt more comfortable in groups where

they could discuss their situations more naturally. An advantage with that is more similar to a conversation through interaction (Holme and Solvang 1996: 108) but it also includes problems. Due to group pressure women may hesitate to tell their specific opinion if it stands out from the rest of the group. Another limitation when doing group interviews is the lack of as deep personal discussions as possible when doing individual interviews.

One of the interviewed groups of women was a dynamic group with much to say about their situation. However a bit problematic was the language barrier since only two of them spoke Swahili, as my translator. Some of the discussions were therefore held in another language, then retold to my translator and then translated to me. This is of course not ideal since I with considerable certainty have missed information. In addition, since it was translated twice, words may have been intended in a certain way then perceived differently both ones and twice before getting to my ears.

The language situation is also one of the reasons why the interviews had to be in groups, where they could discuss the questions together and then answer in a way they were comfortable in, helping each other with words they did not know. Maybe I could have chosen other women that spoke Swahili for my interviews, but I was not the one making the choice. The choice of women had to go through the leaders and elders of the area and I could not just go past them. This can be considered a problem if they selected women they knew would tell stories they wanted me to hear. This is to be considered problematic since I asked questions about family situations and the power structures in the area and can even in the long run result in a deficient result. However, since the leaders did not know what questions I was going to ask, they cannot have influenced the women too much.

It has also been hard to find out dates and years during my research. This has resulted in an analysis where this in some cases is not printed. Also names of places have been a bit hard to find, since many places are just referred to as “the forest” or “along the road”.

The answers I have gotten from the interviews are further subjective answers based on people’s experiences and not objective facts, which is one of the strengths with qualitative interviews as well as one of the flaws. It is a flaw because I cannot generalise, as discussed before, and it is a strength because it gives a voice to people whose stories have not yet been told (Holme and Solvang 1996: 82). To be able to see the whole picture of a phenomenon or situation, these stories have to be listened to and differences highlighted. There is no such thing as a female identity and women face different challenges and possibilities depending on where

they live, what class they belong to and what culture they have. There is no specific female identity, but there is a structural oppression, where men are the norm (Cabin 2011: 87). Stories told by women are therefore relevant even if I cannot generalise.

The fact that there is no single female identity and no Third World Woman have turned out to be hard to relate to on a practical level. In theory it is easy to have a clear opinion and to be politically correct, whereas I have noticed that it is not as easy in reality. Throughout the research process I have taken time to compare my prejudices about Third World Women, as a constructed and homogenous group, with the women I have interviewed, with strong personalities and different experiences. The real life women are not the same as the constructed Woman. The constructed Third World Woman is for instance someone to feel sorry for, in need of help, often un-educated and a victim in her society (Mohanty 2005), but this is not the description of the women I met. Many of the women I spoke to have to struggle every day and have experienced things that makes me feel sorry for them. Some of them are also in need of help, since everything they used to owe has been taken from them and they are placed in an area where there are few jobs. To not end up in an analysis describing the Third World Woman I have had to question my thoughts and critically evaluate my words as well as my role as a researcher. I am aware of that I am both white and from the middleclass in Sweden, coming to a new context interviewing women far away from my own reality and without questioning that I cannot come to any fair conclusion.

Through the study I do however generalise, for instance when I talk about women and rights, women and land and women and land grabbing. This is much because the literature I use tends to discuss how *women* are affected and what rights *women* have. I do however try to be as specific as I can and generalisations are made only when they are well-supported.

Besides interviews with people that have experienced land grabbing, the study is also based on interviews with organizations and written information about the land (grabbing) situation in Kenya, mostly made by civil society organizations and NGOs. Most of their material, if not all, is based on interviews from the fields and documents are found on different homepages. Some of the information in these reports have taken information from public reports and tend to criticize the state. The documents are mainly based on people's experiences but are also strengthened with statistics and official documents. These organizations further have specific interest in the issue, which means that the information is biased. This is also the case in much of the literature regarding land grabbing or land acquisitions in general. Most of the research

is performed by organizations with different underlying interests. This thesis is therefore influenced by their views and the result must be read in the light of that.

Many organizations further tend to be more direct in their critique than academics and the international community. La Via Campesina for instance states: “The struggle against land grabbing is a struggle against capitalism, neoliberalism and a predatory economic model” (La Via Campesina 2012). Considering that much research made about the issue is performed by these organizations, the anti-capitalistic standpoint has to be taken into consideration. It also shows the need for more academic research, making the information more reliable, since organizations and the international community such as FAO and the World Bank have an agenda behind their words. Also the few academic texts about land grabbing used in this study are influenced by organizations and the international community since their material also is influenced by the same sources.

Important for the thesis is also Kenya’s constitution and legislation regarding land and protected areas. These have been analyzed in relation to the land grabbing situation and specific focus has been in relation to the specific case of Manjani Mingi and how these women have experienced land grabbing.

Overall, the chosen method and material have suited the aim of this study, especially considering the theoretical framework. Some parts of the theory have been shortly discussed during this chapter and will be more closely deliberated in the following section.

## 3. THEORETICAL FRAMEWORK

The contemporary land grabbing debate focuses on consequences of large-scale land deals by foreign investors, when the reality in fact is much more complex than that (Hall 2011). The colonial legacy is making the land situation vulnerable and power structures unfair in many African countries. Corruption and post-colonialism can therefore be considered two contributing factors behind land grabbing (Gregow et al 2012), making rich people richer and poor people poorer.

In addition, lack of gender focus in the debate must be considered a problem. According to Jessica Chu the gendered impacts of the phenomenon have to be discussed as it is one of the most crucial issues when it comes to development (Chu 2011: 36). Women are more exposed to poverty and have less access to land (Budlender and Alma 2011), and whereas men are seen as the norm, women are personified as their gender. To include women's stories and experiences is therefore necessary, as their stories often are forgotten. (Tollin and Törnqvist 2011: 29). This is perhaps even more important in a society like Kenya, where women have even less power than in the West. When conducting research in a post-colonial society, that aspect also has to be considered. The theoretical framework will therefore lie in both post-colonialism and feminism, discussed below.

### 3.1 Post-colonialism

The colonial period left a legacy of global as well as local power structures where We (the West) are considered the norm. This has led to the construction of Us and Them as well as the construction of a state system where the West has a hegemonic position. In accordance with post-colonialism it is important to see the relation between Us and Them and what consequences that has on a political and social level. How we look at others and how others are constructed is thus relevant.

An example is how the Orient<sup>1</sup>, according to Edward Said, has been constructed as a re-impose of colonial domination of the West. These cultures are the opposites of Western culture, considered both strange and irrational whereas We are seen as the norm. He further

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<sup>1</sup> This refers to North African, Arab and Middle Eastern people and cultures, but is applicable for other societies considered the Other.

means that the Orient can be seen as a European invention created out of fear and fascination about the other, to make Us stronger (Said 1977).

Also Franz Fanon means that the Western culture was enforced on others, considered universal and superior. This has, according to him, led to that many states are trying to imitate the Western states but fails to do so and it is instead creating elites with too much power. These institutions are continuing to oppress the population as done during the colonial period (Fanon 1967), which is contributing to the fragile African states. Mahmood Mamdani means that it is due to the colonialism and the legal distinctions that were made between the settlers and the native people as the Western way of governing was forced upon many countries (Mamdani 2001).

“[P]recolonial Africa did not have a single customary authority, but several. Each of these defined custom in its own domain. There were thus age groups, clans, women’s groups, chiefs, religious groups, and so on. It is worth noting that only one of these—chiefs—was sanctified as a native authority under indirect-rule colonialism, and only its version of custom was declared “genuine.” The rest were officially silenced. In sanctifying the authoritarian version of custom as “genuine,” colonial power sought to construct native custom as unchanging and singular.” (Ibid: 655)

The colonial period left many countries with structures they cannot handle, creating states where the elite sits on the power. Mamdani calls the local government “the heart of the colonial state” and as many post-colonial states are built on a foundation created to oppress its people it is easy to understand that problems with corruption and abuse belong to the reality today. He continues with the conclusion that colonialism is more than the period of occupation, it is even more about the structures they left behind, making indigenous people colonizing themselves. Because how do you decolonize without falling into the same patterns? Which is exactly what is happening in many Africa states today, he means (Ibid).

Post-colonialism thus needs to be considered both when talking about identity, Us and Them, and when looking at states and global structures. The post-colonial approach also has to be included in the feminist discussion, which is further discussed below.

### 3.2 Feminist theories

According to feminism there is a need to put women in focus since their experiences often are untold. According to liberal feminist scholars men are considered the same as human, while

women are the same as their gender (Tollin and Törnqvist 2011: 42). Women should have the same possibility as men to develop fully, but are often stuck in their roles that the society puts on them and the biological differences are considered as reasons to make social differences between the genders (Ibid: 27-28).

Radical feminists put focus on the structural oppression, with starting point in Marxism, but adds the aspect of gender and power relations. They mean that the patriarchal society and its survival must be seen in the light that one group favors in front of the other and that we therefore have to question our way of looking at gender. According to them sexuality is further the hub for patriarchy. (Sexual) violence is limiting women's lives, not just through direct actions but through the knowledge about it as it determines what women can and cannot do, where women can and cannot go (Ibid: 56-57).

However, none of the above mentioned approaches within feminism are taking race or ethnicity into consideration which is needed when analyzing women in non-Western contexts (Cab-in 2011, Mohanty 2005). The main focus in this thesis will because of that lie in post-colonial feminist theory, discussed below.

### 3.3 The Capabilities Approach

The capability approach by Martha Nussbaum puts focus on every human's capabilities to live a fully human life. Her approach is both culture and gender sensitive and is developed from a thinking that we should look at what people are capable of doing and being instead of what people are satisfied with, since satisfaction is relative (Nussbaum 2000: 12). A woman can for instance be more satisfied to stay in a home where she is abused of her husband, instead of ending up without income on the street. Satisfaction does in this case not say much about her real situation.

All capabilities are dependent on the society you live in and what possibilities you are given from the outside. Nussbaum therefore talks about *basic capabilities*; like seeing and hearing, *internal capabilities*; developed basic capabilities, for instance developed political knowledge. Then there are *combined capabilities* a combination of internal capabilities and external conditions. In many developing countries people are less likely to develop these combined capabilities as external conditions complicates the development. Let's take the example of political corruption that undermines democracy and particularly affects poor people. These people may have developed internal capabilities in terms of jobs, but due to corruption no investments are made and they have nowhere where they can use their skills.

Nussbaum has developed a list of central human capabilities that are all equally fundamental. They are described below:

1. Life, is simply the live a life of normal length (not dying prematurely)
2. Bodily health, which also includes reproductive health
3. Bodily integrity, which includes the right to not be assaulted as well as the right to move freely and have opportunities to feel sexual satisfaction
4. Sense, Imagination, and Thought and to be able to use this in a fully human way like “search for the ultimate meaning of life in one’s own way” (Nussbaum 2000: 79) and be able to avoid un-necessary pain, that should not be limited by for instance illiteracy
5. Emotions, like to be able to love and have attachments to things and people, these should not be blinded by fear or anxiety
6. Practical Reason, to be “able to form a conception of the good” (Ibid)
7. Affiliation A, this is to be able to live with and towards others, including social interaction. And B, which includes self-respect and non-humiliation and to be equal to others with the minimum to not be discriminated due to sex, ethnicity, sexual orientation etc. (Nussbaum 2000: 78-79)

These are all interlinked in a complex way and should be considered like a political tool to protect human rights, by governments. A government can of course never provide women with capabilities to feel sexual pleasure, but through legislation and strong laws they can create the right conditions where she herself can develop that. The capabilities approach means that the environment, family, friends and society are important parts of the individual development. Throughout her discussion human dignity also plays an important part and culture sensitiveness is important even if it is a universal approach (Ibid). Nussbaum’s discussion are thus important from a gendered and post-colonial perspective, which is why the capabilities approach has a central role when responding to the research problem and purpose.

### **3.4 Women and development – Feminism in a post-colonial context**

In a gender analysis of a phenomenon occurring in a context of power relations between North and South it is important to include a post-colonial thinking. Similar to post-

colonialism, post-colonial feminists acknowledge the imperial and hegemonic patterns and structures that our world is constructed of. It is important to include the dimensions of class, ethnicity and race and it is more than just the patriarchal oppression that needs to be taken into consideration. Racism, colonialism and the capitalistic system are all complicating the sisterhood (Cabin 2011, Minh-ha 2005, Mohanty 2005).

When Western feminists write about Third World Women, they often consider themselves enlightened subjects whereas Third World Women remain objects without much capacity (Cabin 2011: 84-85), as discussed in the method section. Post-colonial feminist theory believes that this is because of the racist structures of the world, and believes that it is not possible to exclude race from gender or gender from race. White is the norm, the Us, while black is the Other (Cabin 2011: 86). Violence against black women must therefore be considered both as a racial violence and as a sexual violence (Ibid: 98). Chandra Talpade Mohanty, one of the prominent names in post-colonial feminist theory, therefore says that “Western feminists” have to put their research in a post-colonial context and realize that the results are affected by it (Mohanty 2005).

For Mohanty, as well as many others, the discourse we use and concepts we create are important. The woman with real life experiences is not the same as the constructed Woman that we all too often tend to talk about. There is no such thing as a Third World Woman. Women have different struggles and different possibilities depending on their class, race, ethnicity, whether they live in rural or urban areas and if they are married or not. There is no such thing as a universal patriarchal frame that could be applied for all, and everything has to be put in the light of imperialism and the hegemonic position of the West (Mohanty 2005). The oppression also has to be put in the cultural and historical context it exists in, since it in most cases has an ideological background from which the oppression has to be analyzed (Ibid).

Continually, the Third World Woman is assumed to live a life based on her gender (sexually oppressed) and on her belonging to the Third World (being poor, uneducated, traditional and religious), while Western feminists are considered well educated, in charge of the own body and modern (Mohanty 2005). According to Minh-ha we therefore need to tell more stories from the field and to give a voice to women with different experiences (Minh-ha 2005), which will show that the Third World Woman does not exist and that women living in developing countries also are capable actors.

Further, research tends to focus on women's needs and problems, but little is mentioned about their options and possibilities (especially when it comes to women in developing countries). According to Mohanty this is due to the general perception that women are inferior to men instead of showing how women as a socio-economic and political group are constructed from the local context. However, she states that if the generalization is built on a well-constructed analysis it is of relevance and can be used (Mohanty 2005).

Gender inequality is further closely related to poverty and many rural poor women in developing countries face other forms of discrimination than women in the West and middleclass women in the same country. For instance: "hunger and nutrition, literacy, land rights, the right to seek employment outside the home, child marriage, and child labor" (Nussbaum 2000: 7) are examples of how women are discriminated against.

To be able to live a fully human life Nussbaum further believes that a threshold of the universal list of capabilities has to be fulfilled for everyone (Ibid: 6). Other feminists have been skeptical towards such a normative universal approach, stating that there is no such thing as a universal oppression and a universal approach is therefore not really reliable (Mohanty 2005). But again, if the analysis is well-constructed and based on the structural oppression rather than individual cases, a universal approach could be considered. This goes hand in hand with Nussbaum idea that the universal values have to be culture sensitive (Nussbaum 2000). She also adds that cultural differences are beautiful, but

"Getting beaten up and being malnourished have depressing similarities everywhere; denials of land rights, political voice, and employment opportunities do also. In so far the diversity worth preserving in the various cultures, it is perhaps not in traditions of sex hierarchy, any more than in traditions of slavery that we should search for it." (Ibid: 51)

There is a common idea that developing countries consist of homogenous cultures where this oppression automatically occurs and that women are victims not knowing their rights (Nussbaum 2000). This is not the objective truth, as cultures are heterogeneous. What many developing countries however do have in common is the structures that were left after the colonial period, creating oppression (Mamdani 2001). Women all over the world are fighting this and are demanding their rights. Human rights and to fight for them is however all too often considered Western, but why would human rights belong to the West? Women in other cultures

are protesting against harmful traditions (Nussbaum 2000) and are thus not just objects waiting for help.

There are some differences between and among the post-colonial feminist theories and the capabilities approach. What they have in common is the culture sensitiveness, post-colonial thinking and focus on individual women's experiences. During this study Nussbaum's capabilities approach will be central when analyzing the consequences of land grabbing while the feminist and post-colonial theories have a more discursive purpose. Also, even if the capabilities approach promotes universal values, the culture sensitiveness and her way of arguing for it, makes it suitable for the analysis. This culture sensitiveness and the way post-colonial feminist theories scholars relate to different societies are, thus, relevant throughout the whole thesis.

### 3.5 Women and land

A gender analysis put in an international, national and local context is needed to be able to make a fair analysis on gendered impacts of land grabbing, whether they are made by local actors or international corporations. Even if women generally are more vulnerable for land changes and over all have less access and rights to land there is no universal package for all women. The sources I have used tend to talk about *women's* land rights and *women's* access, which is to be considered a bit misleading since it does not apply for all women. The following section has to be read with that in mind.

Women in many African societies have access to land mainly through their husbands, fathers or brothers, making them more vulnerable to poverty (Gray and Kevane 1999, Mutangadura 2004). Generally they are not considered owners of land but owners of crops since they often have control over cultivation rather than land, which often comes with responsibilities to take care of the family (Gray and Kevane 1999: 18) and makes them vulnerable for land changes.

“[W]hen land becomes scarce or rises in value, or when rights are formalized through titles or registration, these rights to use land are revealed to be secondary and tenuous. The right to receive turns out rarely to be as compelling as the right to give. Men use their position of dominance to "expropriate" women's rights to land. Women, whose rights to farm a plot of land were guaranteed by marital or kinship status, lose these rights and face a diminished

access to land which underlies and reinforces a greater economic and social insecurity. The literature on women's access to land is replete with examples of these often dramatic reductions in rights.” (Gray and Kevane 1999: 16)

According to Gladys Mutangadura this is a human right issue that should be highly prioritized. More than 60 % of the women in Southern Africa are dependent on land for their livelihood, they make up the majority of the labor and without land rights their economic and social security is compromised (Mutangadura 2004: 2-3). That is why laws and legislation, including land titling in the name of the woman, is important. However, the issue of land titling is not that easy. The question is: are joint titles (titles in the name of both man and woman) or individual titles best? Joint titles can lead to difficulties for women when it comes to gaining control of their share. On the other hand, individual titles also face challenges, for example lack of funds to invest with. Individual titles can therefore be something that women do not want. Some cases have for instance shown that women rather ask for household resources which could include joint titles, due to lack of resources (Razavi 2003: 27-28). This applies to rural poor women and not middleclass women that “have responded to tenure insecurity by purchasing land that is clearly in their name, which they can use and transfer as they wish.” (Gray and Kevane 1999: 28)

In situations where women have land titles and control over land they can be constrained by other socioeconomic factors. These constraints include illiteracy, lack of capital, collateral, farm management experience, training and advice (Ibid: 7). Many societies are strongly patriarchic, shown in customs, traditions and informal law. Mutangadura says that legislation often is a first step for women's rights and “countries are making some progress towards improving the land rights of women. However, there are still outstanding gaps and actions that need strengthening.” (Mutangadura 2004: 14) According to others, including many civil society organizations, laws and clauses will not change cultural and social behavior, even though they are important tools. To achieve real change education about the laws is needed and people have to accept those (Gregow et al. 2012: 29-30).

Titling and local traditions are one part of the challenge women are facing but a gender analysis of the issue also needs to be put in a broader context. Women in developing countries are not just struggling with power relations on a local level. Both global and national power structures have impacts on their lives (Razavi 2003: 29), which is shown through land deals

and land transactions by national and international actors. Also the creation of new jobs can be seen as problematic from a gender perspective, seeing that the transfer from informal to formal jobs is likely to benefit men, and women are likely to end up in the un-paid informal sector with household work.

The growing global trend of land deals brings changes in land that affects women. What is important to note is that women are not passive observers when changes in land are made. The “new scramble for land” has led to that these women are struggling for more land and security (Federici 2011). Important actors in this right claiming process are civil society organizations, women activists, NGOs and lobby groups. These are more likely to monitor the land situation than the Ministry or Department of Gender (Mutangadura 2004: 13).

## 4. THE CONTEMPORARY LAND GRABBING DEBATE

Land grabbing is a phrase first made up by civil society organizations, skeptical towards the growing global trend of (large-scale) land acquisitions, made by foreign investors taking land from the rural population in the developing world. These land acquisitions are a result of the increased demand for food and biofuels in the North and a need to secure food production for countries with big population but little land. Both states and companies stand behind these investments and human rights are often violated in areas exposed to the phenomenon.

The debate consists of two sides looking at the phenomenon from different angles. Whereas those more positive see possibilities, if the deals are regulated in the right way (Cotula 2012, Cotula et al 2009, Von Braun and Meinzen-Dick 2009, World Bank 2010), others believe that no positive outcome is possible considering the context these investments are made in (Borras and Franco 2012, De Shutter 2011, Gregow et al et al 2012, La Via Campesina 2012, Oxfam 2011, Rosset 2011). The term *land grabbing* is only used by sceptics but is starting to be questioned. Some scholars believe that *land grabbing* is a deceptive term since it is not just land that is being grabbed, but also, for instance, water and labor (Hall 2012, Borras and Franco 2012, GRAIN 2012). Others argue that land grabbing is a misleading term and say that it has to be put in a broader context with development possibilities as a potential result. They also argue that land acquisitions can help reduce poverty and that these investments are needed due to the growing demand for food and biofuels (Cotula 2012, Cotula et al 2009, Von Braun and Meinzen-Dick 2009, World Bank report 2010). Others oppose this and say that it is the wrong way to go (Borras and Franco 2012, De Shutter 2011, Gregow et al et al 2012, La Via Campesina 2012, Oxfam 2011, Rosset 2011).

Land acquisitions could therefore be seen as 1) an economic source and tool for development or 2) as a development obstacle where the social, political and traditional aspects of land are neglected. Land is also important for small-scale farmers and women are generally more exposed to land changes (Cotula et al. 2009, Gregow et al. 2012, La Via Campesina 2012, Oxfam 2012, WB 2010, Whitehead 2003). The impacts on small-scale farmers and women are considered by both sides of the debate and gender for instance have a prominent role in the Voluntary Guidelines made by FAO (FAO 2012). This must be considered a step in the

right direction, but still, the gendered impacts of land grabbing need to be taken into further consideration as rural poor women already have bad access to land (Chu 2011).

Again, while the World Bank and FAO mainly see land as an economical source (Cotula et al 2009, World Bank 2010), many civil society organizations see the economic approach as a Western view. Land titling is for instance a Western idea, forced upon others making the land situation complex. The fact that FAO and the World Bank are mapping “idle” land in Africa, where investments can be made, is demonstrating Our way of looking at land. Some of the mapped land is idle, but often it is not as it is being used by people in the area, however not in a “Western way” of titles and ownership (Gregow et al 2012, La Via Campesina 2012).

The two sides also see different solutions to the problem. While the more positive side see solutions within the deals and through legislation (Cotula 2012, Cotula et al 2009, Von Braun and Meinzen-Dick 2009, World Bank report 2010), skeptics find it more complex than that and say that regulations are not the solution (Borras and Franco 2012, De Shutter 2011, Gregow et al et al 2012, La Via Campesina 2012, Oxfam 2011, Rosset 2011). Laws and legislation should instead be considered tools to use for development if implemented in the society, otherwise there are just documents of no use. Education and other socio-economic investments is therefore of relevance as well as political pressure (Gregow et al et al 2012, La Via Campesina 2012, Oxfam 2011).

There are further different types of grabs and the “mega land deals” made by foreign investors that are usually in focus in the debate, are according to Ruth Hall in reality declining. She says that land grabs often are made by domestic actors, as a result of corruption, sometimes in relationship with foreign actors and sometimes not. This is often forgotten in the discussion and there is a need to highlight different cases according to Hall (Hall 2011).

Another gap in the literature regarding the subject is the lack of including gender and women’s rights. Even though many studies states, that the gendered impacts are worse, women’s situation are not addressed in a deeper way. This is why this is a case study discussed from a feminist and post-colonial perspective that aims to analyze women’s situation.

## 5. LAND GRABBING IN KENYA

The land grabbing situation in Kenya is different from the contemporary land grabbing debate. Whereas much in the global debate revolves around land deals and investments and how these are beneficial or not, Kenya is struggling with grabs made by local elites, the government and private persons (GRAIN 2011). Some of the grabs in Kenya are however conducted by international investors but these are not central in this study. This study instead aims to analyze the situation in Rift Valley, from a gender perspective, where effects of the presidential election in 2007 still are felt and where irregular land grabs by domestic elites through history has been common.

The land situation in Kenya is both problematic and complex, with roots in the colonial period and to understand the issue of land grabbing we need to understand the historical context. This chapter will therefore begin with asking the question why land is a controversial issue and then continue with describing the legal frameworks in the country to end up in a presentation of the land grabbing situation.

### 5.1 Land in Kenya

Through history land has been important both politically and socio-economically in Kenya. Before colonization, customary tenure systems made sure that everyone could access land. It included; “pathways, watering points, recreational areas, meeting venues, and ancestral and cultural grounds” (O’Brian 2011: PAGE) During the colonial period many Kenyans were dispossessed by British settlers that took the best agriculture land, legalized by colonial legislation, leading to loss of land for many Kenyans (FIAN 2011: 17).

After the independence Kenya’s first president Jomo Kenyatta, gave away land to members of his tribe and land continued to be the center of corruption (FIAN 2011: 17). The land corruption is still a problem contributing to poverty. 56 % are estimated to live in absolute poverty and of those 53 % lives in rural areas. Malnutrition is common and 10 million people are estimated to suffer from chronic food insecurity. Almost 80 % of the population depends on agriculture for their livelihood, which makes the unequal distribution of land into a development problem.

Additionally, about 20 % of the land in Kenya is considered suitable for farming; the rest is arid, semiarid or for other reasons not available according to FIAN. Most agriculture is further produced in small-scale but is responsible for about 70 % of the general crop production. Kenya also has a fast growing population and is ranked as one of the most vulnerable countries when it comes to floods and droughts. The drought in 2006-2008 in combination with increasing food prices and post-election violence that displaced 600,000 people led to devastating consequences for those displaced (FIAN 2011: 16).

Also women have had a special relation to land during history, with little or no rights (Gray and Kevane 1999: 21). The laws and constitution in today's Kenya provide women with the same rights as men, but considering a history with patriarchal traditions their rights are not always acknowledged on ground.

Altogether, Kenya is facing challenges when it comes to land but is not just a country with problems. The agricultural sector has an estimated growth rate in 10 % annually until 2030 when Kenya is supposed to be a newly industrialized middle income economy. Foreign Direct Investments (FDI) has therefore become one of the strategies for the Kenyan government. The investors only need to prove that they will contribute to increasing employment, new techniques and that they will pay taxes. While social, economic and environmental implications in the local communities are not required (Makutsa 2010: 5-6).

As a consequence of the colonial past, the land situation in Kenya is very complex. Land grabbing is a problem and the country has a long way to go before women have the same land rights as men. However, to protect human rights a new constitution, the National Land Policy (NLP) and the Forest Act, has been implemented, which are described in the following section.

### 5.1.1 THE CONSTITUTION

The new Constitution of Kenya was introduced in 2010 and is considered progressive. It addresses the land issue in chapter 5 "Land and environment" and article 60 states:

"Land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable, and in accordance with the following principles: (a) equitable access to land; (b) security of land rights; (c) sustainable

and productive management of land resources; (d) transparent and cost effective administration of land; (e) sound conservation and protection of ecologically sensitive areas; (f) elimination of gender discrimination in law, customs and practice related to land and property in land; and (g) encouragement of communities to settle land disputes through recognized local community initiatives consistent with this Constitution” (The Constitution of Kenya 2010: Art. 60).

The constitution also includes three different kinds of land to hinder corruption. These are public land, community land, and private land. Public land should be held in trust by the government and be used in ways to benefit the country. Community land is managed by the community and is not to be used by others if the community has not participated in decisions about common land. Private land is land owned and titled in the name of one person (Ibid: Art. 62, 63, 64).

The Constitution of Kenya also includes sovereignty of the people as well as land and investments and article 42 “Environment” claims:

”Every person has the right to a clean and healthy environment, which includes the right –

(a) To have the environment protected for the benefit of present and future generations through legislative and other measures, particularly those contemplated in Article 69; and

(b) To have obligations relating to the environment fulfilled under Article 70.11” (Kenya, Constitution of Kenya 2010).

Prior to this new constitution, local authorities could, through loopholes in the legislation, lease land without consulting the community (Makutsa 2010: 19). Today the constitution contains how land shall be held, used and managed. It also states that natural resources should benefit the people. Land grabbing is, perhaps obviously, against the constitution.

### **5.1.2 KENYA NATIONAL LAND POLICY**

In 2009 a new National Land Policy (NLP) was adopted partly as a result of the post-election violence and due to the general land situation. NLP have support in the Constitution, but even if both are well developed there is still a long way to go when it comes to real life implemen-

tation. NLP is formulated to protect land rights and to be an overall framework for critical land issues.

“Kenya has not had a single and clearly defined National Land Policy since independence. This, together with the existence of many land laws, some of which are incompatible, has resulted in a complex land management and administration system. The land question has manifested itself in many ways such as fragmentation, breakdown in land administration, disparities in land ownership and poverty. This has resulted in environmental, social, economic and political problems including deterioration in land quality, squatting and landlessness, disinheritance of some groups and individuals, urban squalor, under-utilization and abandonment of agricultural land, tenure insecurity and conflict.” (Kenya National Land Policy 2007: iv)

With the NLP there has also been a decentralization of decisions, which has the purpose to increase local participation. It also includes protection of vulnerable groups and says that minority groups have the right to use the traditional environment in a sustainable way and lost rights should be given back (O’Brian 2011). NLP also states that: “Measures will be initiated to identify such groups and ensure their access to land and participation in decision making over land and land based resources.” (Kenya National Land Policy 2007: iv)

NLP is additionally taking women into special consideration, when it comes to securing women’s right to land (Ibid). The Policy includes a specific section, 3.6.10.1 Gender and Equity Principles, stating: “Culture and traditions continue to support male inheritance of family land while there is lack of gender sensitive family laws. There is conflict between constitutional and international provisions on gender equality vis-à-vis customary practices that discriminate against women in relation to land ownership and inheritance.” (Ibid: 46)

It also takes up the issue that few women have land registered in their name. Therefore the government, in accordance with this law, should implement appropriate legislation to ensure women’s rights to land, repeal existing laws and customs that discriminates women, establish clear legislative framework when it comes to inheritance for both married women and daughters, introduce awareness campaigns, public education etc. It also addresses the issue of cor-

ruption, criminalizing it, however not going deeper into the issue (Kenya National Land Policy 2007: 46-47)

### 5.1.3 FOREST ACT

The Forest Act, 2005, was created to protect forests that are important for environmental, socio-economic and cultural needs (Forest Act 2005). Article 32 “Declaration of a nature reserve” states:

“No cutting, grazing, removal of forest produce, hunting or fishing, shall be allowed in a nature reserve except with the permission of the Director granted in consultation with other conservation agencies, which permission shall only be given with the object of facilitating research.” (Forest Act, 2005 art. 32.3)

But communities that are dependent on the protected area can hand in an application and the Act has introduced safeties for people living in protected areas, making sure that they are not left out and that their rights are protected. The management should: “formulate and implement forest programs consistent with the traditional forest user rights of the community concerned in accordance with sustainable use criteria;” (Ibid, art. 47.1 b). As well as the community should take part in the decisions. The forest Board should further take gender into consideration, but otherwise the act is not gender sensitive.

## 5.2 Land grabbing

With the background in the complexity of land issues during history and today, the contemporary land grabbing situation in Kenya varies from the general land grabbing discussion. Whereas the general discussions revolve around (large-scale) land deals and acquisitions made by foreign investors, the situation in Kenya has a different look. In some parts of the country, mainly by the coast, foreign investors stand behind the deals. These deals often fail to provide the population with information and include insecure land rights, environmental destruction and socio economic changes (Makutsa 2010: 26-31). According to Eastern Africa Farmers Federation (EAFF) these foreign investments are a growing issue in the country (Ibid) and the same organisation states: “Cases of land grabbing have been reported in Kenya although there is not much information available through government or formal sources. Most of the information is available through media reports and lobby groups who are keen to safeguard the rights of marginalised communities” (Ibid: 6).

Whereas foreign land investments are expected to increase (Ibid) big parts of the country are already struggling with domestic land grabs proceeded by the government, local elite or private actors. The special, however not unique, situation in Rift Valley where this study has its starting point, is characterized by resettlements, evictions and broken promises. The grabs are affecting the rural poor in different ways; through lost access to public land or through evictions from their homes. There are, however, also foreign investors making claim of land in the Rift Valley area, but almost no information is to be found about that. During an interview with Kenya Land Alliance (KLA), a Non Governmental Organisation (NGO) working with the land issue, some cases of foreign grabs were briefly mentioned. With the new constitution, however, Eileen Wakesho, program coordinator at KLA, believes that it today is hard to make unjust investments (Interview with KLA). The programme officer at Dandelion Africa, another NGO working with empowerment of women, on the other hand believes that foreign investments in the area will increase, but the newest legislation will make it hard to do it in an illegal way (Interview with Aszed).

As mentioned, investments by foreign actors are not the main problem in the area that above all struggles with domestic actors and where land grabbing is part of the history. After independence, different actors have simply been taking land from people, with or without support in the constitution and laws (O'Brian 2011: 45). More or less all types of land are, and have through history been, targeted both in rural and urban areas. Public land is grabbed and used to benefit private actors, while other grabs occur with support in the constitution. The land grabs with support in the constitution often have the purpose to protect certain areas with special ecological, cultural or strategic value (O'Brian 2011).

An example of land with ecological, cultural or strategic value is forest land, from where people have been evicted due to their negative effects on environment and ecosystems. Forest land has gone from representing a big part of the country's surface (30 % in 1895) to around 1.7 % today, which indicates the need of forest protection (O'Brian 2011: 15). The situation is however very complex and the country has a large forest dwelling population that depends on forest for its livelihood. Some of these people was given land in the forest by the former president Moi, and were thus settled there illegally without consideration to the impacts they could have on the forest (Interview with Aszed). The organization Forest Peoples Programme states that these protected areas are violating indigenous peoples' rights, as the population

seldom is included in the process (Forest People Programme). These land grabs however had their peak before 2007, when the Forest Act 2005 was enacted, but the consequences are still felt and evictions are still taking place (O'Brian 2011: 28).

“The historical neglect of Kenya’s forest-dwelling communities makes them a highly vulnerable segment of the population. As apparent compensation, settlement schemes have been implemented in excised forest areas. In several of these settlement schemes, the excision was not published in the gazette as required by law, illegal surveys took place, and title deeds were drafted. However, it has emerged that very few of the intended beneficiaries from forest-dwelling communities actually received title deeds – rather these were given to “politically correct” individuals for development purposes. Thus in this process several laws were broken, including the then current Forest Lands Act and the Government Lands Act, along with the environmental protection legislation, which stipulates that protected land, can be allocated only to landless settlers” (Ibid: 29)

This is also the case for some of the people interviewed in this study. In one of the cases, people waited for 10 years to get land titles without getting any. During this period they lived in tents along a road, which is further described below. Today most of them have received allotment letters, a legal document that will lead to land titling, but there are still people waiting to get land (Interview with women group 2). This is insane, says Wendo Sahar Aszed at the organization Dandelion Africa: “If you have to move people, don’t put them in tents, because it is a really bad situation for people there. You should get the new land in forehand so that you can go directly to your land and build your house.” (Interview with Aszed)

The faces of land grabs in Kenya are thus many. Different actors stand behind them with different motives and purposes. Similar between the different cases is the corruption, unequal access to land and holes in legislation and most have both short and long term consequences on peoples’ lives (FIAN 2010). Many of the land grabs have immediate consequences like; scarcity of land, evictions, speculation, and increased ground rents (Ibid). Much is also felt further on and for future generations, O'Brian says:

“land scarcity (particularly of productive land), the development of land cartels in urban and rural areas, landlessness for poor people, cyclical poverty, skewed

land ownership patterns (among ethnic groups, socio-economic classes, etc.), violence, prohibitive land prices due to speculation, undetected foreign ownership of land, mistrust of public officials and the system of land allocation itself, and threats to overall security of tenure as title deeds are called into question.” (O’Brian 2011: 34)

This shows the many socio-economic impacts of land grabbing and how it effects the rural poor (Ibid: 36). Especially the rural poor women face new challenges when the land situation is changed. Land changes can for instance include loss of income when people experience forced evictions, and since women generally are those providing for their families, the responsibility to find new incomes ends up on her, according to Wendo Sahar Aszed program officer at Dandelion Africa. This can even lead to prostitution as a last way out to provide the family with food, according to her (Interview with Aszed). Also KLA says that women are more exposed to land grabbing. The most obvious is in the case of evictions and resettlement. In cases when new land is given to evicted people, the title almost always is in the name of the man since he is considered the head of the household. Only 1 % of the land titles in Kenya are in the name of women, 5 % are joint titles. This is though more common among the richer people and not as much among the rural poor (Interview with KLA).

Before getting the new titles, allotment letters are given to the people. These letters are legal documents and come with responsibilities. This must also be considered somewhat problematic since the documents not only involve rights but also obligations that many fails to understand if they cannot read English. People think that they already owe the land, when they in reality have not full filled their part of the agreement (Ibid). The issue with the allotment letters and land titles is however not something of concern for the women I spoke to. When I asked whose name was on the allotment letter I got the simple answer: “It is either the man or the woman, but it is just one per household.” (Interview with women group 1) The women do however state the importance of a title so that they will not get ambushed from the place, but whether it is in their names or not, does not come up as a problem (Ibid).

The complexity of the Kenyan land situation is further shown if looking at the violence after the presidential election in 2007. The post-election violence (PEV), mostly between Kikuyu and Kalenjin groups in Rift Valley, had root in the land grabbing issue (O’Brian 2011: 5) and resulted in evictions and new land grabs. Many people were resettled, increasing the Internal-

ly Displaced People (IDPs) in the country and the situation led to over 1000 deaths. In 2009 the last victims were buried but people are still living in uncertainty (FIAN 2011: 17) with no proper homes (Field notes). During the PEV families were separated and people died. One of the interviewees says that since she belonged to another tribe than her husband, she had to leave him, now taking care of their son by herself (Interview with women group 2). Other describe how they had to hide in Churches and schools to get away from the violence, losing their homes and family members (Interview with women group 1).

When the violence ended most people had nowhere to return to and were resettled to other places. Some people still do not have proper homes while others have begun their lives in a new place (Field notes). Some of the evicted people are today living in an area outside of the town Nakuru. They tell me how the government helped them to build new houses but how they after that stopped supporting them. Even though they slowly are getting their lives together and feel safe in the area, they still do not have everything they need and lack resources to invest in the future. But there is hope, one of the interviewed women describes how she started to farm whatever she could find, and was due to that able to feed her family (Interview with women group 1). Today an organization, Dandelion Africa, gives support to these women. Through something called table banking, where women save and borrow money from themselves. Some women have created small businesses and can today send their children to school. "I can afford to provide for my family, take my children to school and I am now reliant on myself" (Interview with women group 1), one of the women told me.

Land grabbing and land allocation have been discussed as contributing factors to the PEV but there is no strait answer to how or in what way. According to O'Brian land grabbing and the complexity of it have led to fights between different tribes. She also believes that the instability of the land question could lead to new violence (O'Brian 2011: 37). The program officer at Dandelion Africa however says that this would probably not happen again due to increased awareness among people and improved legislation. Other evictions could though occur, since the problem with corruption remains, but a similar situation to the PEV in 2007 and 2008 is not very likely (Interview Dandelion Africa), she says.

### 5.2.1 THE CASE OF MANJANI MINGI

The case of Manjani Mingi is an example of the complexity of the land and land grabbing situation in Rift Valley, Kenya. The people have been living in tents in the area for nine months, at the time for the interviews, and have been assured land by the government. They have been forced to leave their homes for different reasons, some due to the post-election violence (PEV) in 2007/2008 and others land were grabbed by the government because they were living in a protected forest area (Interview with Aszed, chairmen).

Some of the people living in the area are evictees from the Mau forest. Their homes were built on land that had been given to them by president Moi, probably during the mid 80's (Interview with chairmen, women group 2). According to the program officer at Dandelion Africa they have been living in the forest without titles, illegally, but the interviewed women describe the situation differently and say that the land in the forest belonged to them. Most of these people used to farm and the kids went to school and the women describe how they were self-reliant (Interview with women group 2).

One woman describes her previous life in the forest as a good life where the children in her family went to school, how they owned cattle and were able to farm. Now her life is very different, she says. Even though she has finished high school with the ambition to continue to college, she will not be able to do so, since no one can pay the fees. She is also more dependent on other people to survive and is one of the women that not yet have received land.

Their lives in the forest did, nevertheless, have big impacts on the ecosystem as they were cutting trees and the environmental consequences were felt all the way to Egypt (Interview with Aszed). When Mwai Kibaki became president in 2002, the people were legally evicted to protect the forest, and this was the beginning of a long resettlement process that proceeded as following:

In the year 2000 the forest was claimed a protected area and in 2002 many of the inhabitants had to leave. They were told to be given new land in two weeks' time, but nothing happened. They were put in Manjani Mingi tent area first ten years later, in 2012. While waiting for the new resettlements the people lived under poor living conditions in tents along a road outside the forest (Interview with chairmen). The people felt frustrated not knowing what would happen and many of the children and women were beaten and used by the police. Also rapes were a part of some women's lives. Further, during the time along the road Malaria there was a big

health problem considering lack of mosquito nets and medicine, even leading to deaths (Interview with women group 2).

The other group of people in the area lives there due to the violence after the election in 2007. The election led to fights and people's houses were burnt down. People were killed and others had to leave their houses without any belongings. The eviction process is more closely discussed above and will therefore not be described again.

The situation in Manjani Mingi also involves other people, as the area already is inhabited by squatters that have been living there for unknown time. No one seems to be sure about how long they have been living there, but many times it can go back in generations. Some people squatting may not even be aware of that they are living there illegally (O'Brian 2011). In Manjani Mingi the situation of squatters and new land owners has of course led to conflicts. Where are the squatters going to live now when someone else has the legal right to the land they use?

To further complicate the situation the land in the area is semi-arid and a quarter of the land is on rocks (Interview with chairmen), which makes cultivation impossible. For people that are dependent on agriculture for their livelihood this must be considered a huge problem, especially considering the lack of other income. There are also other problems that are more acute. Most people do not yet have access to their land and live, as mentioned above, in a tent area. This is a flat area with more or less no shade that during the dry season reaches high temperatures close to unbearable and during rainy season, tents are easily flooded (Field notes).

Their everyday lives are however continuing and even though the area provides little possibilities women find different ways to provide for themselves. "In the morning I wake up, boil tea for my kids, do some household work and then I go to fetch firewood in the wood" (interview with women group 2), one of the interviewees tells me. Another woman, a single parent with four children that have gotten land from the government says: "Every day when I wake up I go to the farm to get it ready for farming" (Ibid).

According to Wendo Sahar Aszed, program officer at Dandelion Africa, you cannot just move people from their homes without a place to resettle them to. The situation would have been much better if they were given land before they were moved. Situations like these are really bad, especially for the women, she says. According to her this situation has brought high HIV rates, STDs, rapes to the area and a lot of women are pregnant and children are malnourished

(Ibid). With other words, the situation is not just about the loss of land, but has also created other social problems.

The social problems are affecting women more than it is affecting men, due to family constellations and traditions. Women have the closest relationship with the children since they are the ones taking care of them every day, and “if children sleep hungry or are sick it will be the mother that carries the worries”, Aszed says (Ibid).

Dandelion Africa has been in the area for family planning, HIV testing and health education with focus on women. According to Aszed, women are more affected by the situation than men. They are more dependent on having a functioning house since they are the ones cooking, cleaning, washing and taking care of the children (Interview with Aszed). Men tend to do less in the Kenyan household, and alcoholism is a big problem according to her. Since women are those taking responsibility for the family, it is not unusual for women to prostitute themselves in situations like this, to be able to support their children. This is why education is so important, she believes (Ibid).

The government also needs to take its responsibility, Aszed adds (Ibid). Without governmental support the situation will not improve much. This is consistent with what the women say. They all believe that the situation will improve if they just get a little support from the government. One of the interviewed women told me how she wants to get a job and how that would improve the situation. Another woman believed that the situation is significantly better now compared to before, and “When I will start to use my land it will be even better” (Interview with women group 2).

“Before we reach our dreams something must be done. We don’t have anything and someone needs to help us if we are to reach our dreams. Also for the sake of our children. They go to school, they struggle, but we are not able to put them in college” (Ibid)

The women are also starting to organize, but say that they need stronger groups so that they can put more pressure on the government. Through these groups they are also trying find jobs or other incomes, but it is hard and they lack resources. Lack of resources is also an obstacle when they are going to start farming. “How are we supposed to farm when we have no tools or resources to use?” One woman asked (Ibid).

The situation in Manjani Mingi is thus complex, people are trying to improve their situation but are not given the support they need. The gendered impacts are shown in this specific case as well as in the overall situation in Rift Valley area and these will be analyzed in the following section from a feminist and post-colonial point of view.

## 6. FINAL DISCUSSION

### 6.1 Analysis

As discussed in previous chapters, the global phenomenon of land grabbing or land acquisitions, above all performed by foreign investors, is a growing issue affecting the rural poor population in many African states. The effects can be loss of land, houses and water, forced evictions or forced employments (Hall 2011), but the acquisitions can also lead to economic, technologic and infrastructural development (World Bank 2010). In Kenya, land grabbing is not necessarily a result of foreign investments but the grabs are mostly conducted by domestic actors (O'Brian 2011). Rift Valley, the area in focus for this study, mainly faces domestic land grabs, sometimes performed with support in legislation and sometimes not. Behind the grabs we find both public and private actors. What the different cases have in common is how the government fails to protect human rights during and after the evictions and during the re-settlement processes. Both cases discussed in this study further demonstrate how the consequences affect women more than men.

Women's capabilities to fully develop their life, in accordance with Marta Nussbaum's theory, are minimized when their land has been grabbed (Nussbaum 2000). In the case of the Mau evictees, living in Manjani Mingi, the loss of land and drastically changed living conditions have influenced more aspects of their lives than just the land situation. First of all it has been a long process of ten years when people lived along a road, in tents. During that time, many women were abused and beaten by their husbands as well as by the police (Interview with women group 2). Women's rights to safety were thus violated both in and outside their homes. The institution (the police) that were supposed to protect them, abused them, which decreased their capability to feel safe and their bodily integrities were violated.

Before the evictions, these women could provide for themselves and some of them went to school. One of the interviewed women was going to start university when she was evicted. She went from having a life full of possibilities to not being able to provide for herself properly, as she describes it (Interview with women group 2). Another woman had to leave her husband and employment as a consequence of land grabbing, and she says that she hates the feeling of being dependent on others (Ibid). With other words, when these women were forced to move, they did not just leave their land, but also some of the possibilities they had.

In accordance with Nussbaum's capabilities approach almost all capabilities are affected (Nussbaum 2000). They do not have the same control over their land, life or body as before and land grabbing is therefore to be considered more than just *land* grab. Even if the land is what has been directly grabbed, other capabilities are also diminished. Their bodily health and integrity are for instance affected in cases of abuse. According to Nussbaum everyone should further be able to feel safe (Ibid), but in an area where no support is given to the population, people will feel unsafe, something that one of the interviewed women confirms. She describes how she used to feel unsafe and afraid along the road, as they never knew what was going to happen. The same woman also adds that even if they today still do not have everything they need in the area, she now feels safer (Interview with women group 2).

According to feminists, women face other challenges than men due to the structures of sexual oppression (Tollin and Törnqvist 2011). The gender based oppression that these women face is shown when women are abused or feel unsafe, but also when it comes to day-to-day chores and land access. Women are generally considered the main care takers in many Kenyan families (Interview with KLA), even though the man almost always is considered the head of the household. This means that men have power whereas women have responsibilities, which again demonstrates how the power is divided. There are even cases when land grabbing, due to this unfair power division, has resulted in prostitution as a last way to get an income for these women, according to both KLA and Dandelion Africa (Interview with KLA, Aszed).

The unfair power relations are also visible as rural women in Kenya are considered owners of crop (responsible for production) whereas men are considered owners of land (right bearers) (Gray and Kevane 1999). When people are resettled, the land title will most probably be in the name of the man (Interview with KLA) and women will be dependent on their husbands for access. On the other hand, the interviewed women are not really concerned about whether titles are in the name of the man or the woman. When I ask whose name is on the allotment letter, they just shake their heads and tell me that it is either the husband's or the wife's (Interview with women group 1). Their opinions of the matter are nevertheless influenced by the society they live in and how their overall living situation looks like. If they consider land titles important or not is therefore really a question about satisfaction, which according to Nussbaum is rather irrelevant (Nussbaum 2000). If these women have to choose between a title in the name of their husband and no title at all, they will of course choose to have the title.

While I thought that the land titles would be considered one of the biggest problems for the interviewed women, they instead address the lack of opportunities to take care of themselves

and the dependency on others to survive, as their main problems. One woman describes her previous life situation as much better with a job and a husband, whereas she now has to depend on her relatives, which is both humiliating and hard (Interview with women group 2). This is not just an issue of basic needs but also of dignity. Many of the women used to work or farm, but are now forced to rely on others as the right external circumstances are not provided. The government thus fails to create a situation where people's capabilities can develop, which according to Nussbaum should be the responsibility of the state (Nussbaum 2000).

The interviewed women's opinion thus differs from my preconceptions, which demonstrates the importance to give voice to women with real life experiences instead of seeing them as a group with the same problems. I for instance thought that they were going to describe how men took all the decision at home and the leaders are making the decisions in the society. But as I ask, they simply say that they do it together. Nevertheless I know that female participation in decision making is low, and that it is a problem, that does not mean that it is the main concern for these women.

As said before, women in Kenya have the same rights as men according to the constitution that also states that special consideration should be taken when it comes to women and land (The Constitution of Kenya). Through legislation and de-centralisation of power the country have good possibilities to improve women's situation but this is not working in reality. One of the reasons can be the corruption. Land is considered one of the most important issues in the country and people with land also have power, which makes it the centre of corruption (Interview with KLA). According to Wendo Sahar Aszed at Dandelion Africa: "The corruption is here to stay, especially in a country like Kenya. As long as politicians can get money into their own pockets they will do what they can to get it" (Interview with Aszed).

Another reason why women's land rights continue to be violated, even with strong legislation, lies in the patriarchal structures and traditional values, ignoring legal frameworks. This is not the same thing as saying that men are bad people oppressing all women (Cabin 2011). Men are just as worried about the situation as women and are also exposed by the situation. During an interview with the leaders in Manjani Mingi they describe how they help mobilizing people and told me how especially women suffer when it comes to some aspects of the situation (Interview with chairmen).

It is therefore important to distinguish between people and structures. The patriarchal frame is influencing the societies and affects how people act. The structural oppression is constructed

in the local societies as a result of colonialism. According to Mamdani precolonial Africa had many different authorities, making decisions about their own situation, but when countries were colonized only the chiefs were considered legal authorities (Mamdani 2001: 655), contributing to strengthened patriarchal structures.

I have concluded that land grabbing in Rift Valley, and in general, has negative effects on the rural poor women. Political actions are taken, but mainly through legislation and decentralisation of power. According to Aszed more than that is needed. Even if the legislation is a good foundation for a progressive development, it is not enough. People need to learn about their rights and obligations and people's opinions should be taken into consideration during eviction processes and resettlements (Interview with Aszed). Hence, even if the state has implemented new laws, it is still not giving women enough support.

These women are however not just waiting for the state to act and they are adapting their everyday lives to the new situation. They make sure that their houses are clean, send their kids to school and when they can find, they do some occasional day work in the area (Interview with women group 2), but the women are still not able to reach the capabilities threshold that Nussbaum believes that all humans have the right to (Nussbaum 2000). There are almost no jobs, no clean water or medical services in the area and the land that some have been given cannot be used due to lack of funds and unfavorable conditions. The lack of external support is thus declining their possibilities to improve their situation.

There are other actors working to improve the situation in different ways. These actors are civil society organizations and NGOs that with different approaches deal with the problem. While some mainly are working with the direct effects of land grabbing, others are advocating for structural change. There are examples of organizations working with empowering women through for instance table banking, where women save and borrow money from themselves. "We try to empower the women", Wendo Sahar Aszed, program officer at Dandelion Africa says, "we mobilize them into groups and then teach them about a saving culture. You save from the small amount that you have, for instance from the selling of milk or other small businesses and then we teach about entrepreneurship. How can I be self-reliant with the small resources I have? What recourses do I have in this specific environment that I can use?" (Interview with Dandelion Africa) This is increasing women's possibilities to invest in their futures but is not changing the structures. Therefore it is also important to advocate for more general change as many civil society organizations do. Without changed structures the overall

situation will continue to benefit those in power and the gap between Us and Them will remain, both on a local and on a global scale.

These power structures are what makes the situation so complex. For instance, how to look at land also has to do with the power structures, as the West and how we look at things are considered the norm (Said 1977). The colonialism is thus contributing to the unsustainable land situation where the law, influenced by the West, consider land in one way, whereas people, influenced by traditions, see it differently. This is resulting in an imperfect situation where the law is not consistent with reality. For instance, in Manjani Mingi people have legally been given land by the government, but on that land other people already live, and have done for generations. They see the land as theirs, while the law sees it as idle. Then, whose land is it? Those who have the paper or those that have their entire lives there? The answer is of course; those with paper. Our way of looking at land is thus superior to Their way, which is more than just a discursive issue as Our view has been implemented in the system, but not on field. This is similar to the situation on the global arena, where FAO and the World Bank are mapping “idle” land in Africa (Cutola et al 2009, World Bank 2010). As they are basing the mapping on Our view, the real situations are neglected, and land grabbing can proceed, in theory legally.

Global structures are also influencing me and how I look at other people and other cultures. It is easy to feel sorry for the rural poor women described in this study and perhaps it is also easy to see them as vulnerable objects in need of (my) help. As I have tried to show, the situation is however more complex than that and both racist and sexist structures are influencing the situation. It is nothing wrong in feeling sorry for others. It is when we start to feel sorry for Them as a homogenous group of Others that is creating a gap between Us and Them.

The situation in Rift Valley demonstrates several levels of problems and challenges, but is also revealing possibilities. The right legal tools are yet to be used and civil society organizations are working together with women to address the issue both on a personal and structural level. The situation also illustrates the complexity of land grabbing as it is not just an issue of land loss, but affects, especially women, in many other ways.

## 6.2 Conclusions

Land grabbing in Rift Valley, Kenya is a complex situation with roots in the colonial period, hierarchic power structures and unjust distributed land rights. The situation must be considered more than just a land grab since it leads to socio economic changes and degraded living conditions for the rural poor. Most affected are rural poor women as they already have less access to land, and as sexual violence, forced prostitution and poverty can be results of it. This has to do with the patriarchal structures of the society where men are considered superior to women, and even if the law is providing men and women equal rights this is not the reality on the ground.

To improve the situation, actions are taken on different levels in the society. Women are improving their situation through day-to-day chores such as keeping their homes clean, making sure that the children go to school and through occasional employments. Civil society organisations are supporting them, working to empower women both economically and through education. Organisations are also working with the issue on a general level, with advocacy and information spread. Also the Kenyan government is taking actions in terms of legislation. These are however not yet implemented in the rural societies and women continually have their rights violated. The political actions taken are thus not sufficient.

The issue of gender inequality is an issue that should be prioritized by the government. The state should work to empower women, through information, education and provision of funds, and not just legislate about the issue. Because, to really improve the situation there is a need of structural change, where serious actions have to be taken to implement women's rights in the society. It is first when the patriarchal structures are diminished that women will gain the same rights to land as men.

I believe that the issue of land grabbing, in the area of Rift Valley, needs to be approached from different angles. One is through political actions to stop land grabbing from happening. The other is to protect the human rights of the many people already exposed to it. Solutions are thus needed on a structural level as well as on a personal level, and women's rights must be considered a priority

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