



Governing Women's Land Rights: Leadership, Institutions and Access to and Control of Land in South Mugirango, Kisii County, Kenya

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Abstract: *Land is more than a productive asset for women in rural Kenya; it underpins livelihood security, household wellbeing, economic opportunity, and participation in decisions affecting their lives. Despite Kenya's progressive legal framework protecting women's land rights, formal protection does not always translate into meaningful access or control. This study examined how governance structures, leadership practices, and interactions between statutory and customary institutions shape women's land rights in Kenya. Guided by Feminist Political Ecology, the study adopted a convergent mixed-methods design, combining a structured survey of women farmers with key-informant interviews involving local leaders and land-governance officials. Quantitative data from 241 valid cases were analysed using descriptive and inferential statistics, while qualitative data were thematically analysed and integrated with survey findings. Results show that women's land rights are constrained less by gaps in legislation than by weaknesses in implementation. Corruption in land allocation was the leading governance concern ($M = 4.23$, $SD = 1.06$), followed by high registration costs ($M = 4.08$, $SD = 1.14$), bureaucratic delays ($M = 3.90$, $SD = 0.88$), weak enforcement ($M = 3.89$, $SD = 0.76$), and discrimination during registration ($M = 3.79$, $SD = 0.99$). Qualitative accounts further revealed limited influence in decision-making, family pressures, costly procedures, documentation requirements, and limited legal awareness. The findings highlight how customary authority and weak accountability mediate women's ability to exercise legally recognised rights. The study calls for accountable, gender-responsive land governance through stronger institutional coordination, legal literacy, meaningful participation, and structured dialogue between statutory and customary authorities.*

Keywords: *Women's land rights; gender-responsive land governance; leadership; customary authority; institutional accountability; land access and control; Kisii County*

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4. 1. Introduction

Women's equitable access to and control over land is central to gender equality, rural livelihoods, food security,

and sustainable development. Land is not only a productive asset but also an important source of social and economic security, particularly for rural households that depend on agriculture for food and income. Secure land rights can enable women to invest in agricultural

production, participate in household and community decision-making, and strengthen their bargaining position over productive resources and household welfare. Evidence from sub-Saharan Africa also shows that ownership, management, decision-making, and control over the benefits derived from land do not necessarily reside with the same person. Consequently, measuring women's land rights requires attention not only to formal ownership but also to the extent to which women can use land, make decisions concerning its management, and control its outputs (Doss et al., 2015; Slavchevska et al., 2021). The Food and Agriculture Organization (FAO, 2023) similarly emphasizes that gender equality in access to productive resources is fundamental to more inclusive, productive, and resilient agrifood systems.

Despite increasing international recognition of women's land rights, significant inequalities persist. These inequalities cannot be explained solely by the absence of formal legislation. In many parts of sub-Saharan Africa, statutory land laws coexist with customary tenure institutions and socially embedded gender norms. Such institutional pluralism can produce differences between rights formally recognized in law and rights that women are able to exercise in practice. Women's claims to land may be mediated through husbands, fathers, sons, clan members, or customary authorities, particularly where inheritance and land allocation continue to be governed partly through customary practices. Research has demonstrated that women may possess knowledge of formal land rights yet remain reluctant to assert those rights when doing so threatens household relationships, customary expectations, or access to other livelihood resources (Po & Hickey, 2018). The persistence of these relational forms of access illustrates why formal legal recognition does not automatically translate into substantive control over land.

The distinction between formal land rights and substantive land rights is therefore important. A woman may legally be entitled to own, inherit, register, or use land while having limited practical authority to make decisions concerning that land. Similarly, being included in a land-related meeting or institution does not necessarily mean that a woman has meaningful influence over the decisions made. Women's land rights are consequently shaped by the interaction between formal rules, household relations, customary institutions, local norms, and the actions of institutional actors. Evidence from Africa indicates that ownership, management rights, and control over agricultural outputs can be distributed among different household members, demonstrating that land rights are multidimensional and should not be reduced to legal title alone (Slavchevska et al., 2021). Strengthening women's land rights can also contribute to

household welfare, productive investment, bargaining power, and poverty reduction, although the pathways and outcomes vary across institutional and social contexts (Meinzen-Dick et al., 2019).

Governance is therefore central to understanding women's land rights because institutions and leaders influence how laws are interpreted, implemented, administered, and enforced. Land governance involves the rules, institutions, procedures, and actors through which land is allocated, registered, inherited, transferred, used, and contested. Effective governance requires transparency, accountability, inclusion, representation, fairness, and accessible administrative processes. Where these conditions are weak, formal rights may remain difficult to exercise. Administrative costs, complex procedures, limited information, weak institutional coordination, and discriminatory practices can create practical barriers to women's tenure security. Local institutions are particularly important because they mediate the relationship between formal law and everyday land access. Evidence from Kenya shows that women's access to land is influenced by the interaction of statutory law with local norms and customary institutions, and that women may adopt relational strategies to maintain access to land even when formal rights exist (Po & Hickey, 2018).

Kenya has established a substantial legal and policy framework supporting women's land rights. The Constitution of Kenya (2010) establishes principles of equitable access to land, security of land rights, transparent and cost-effective land administration, and the elimination of gender discrimination in law, customs, and practices relating to land and property. The National Land Policy further provides a policy framework for addressing inequities in land access, administration, and management (Republic of Kenya, 2009). The Land Act, 2012 provides the statutory framework for land administration and recognizes, among other matters, customary land rights within Kenya's land system. The Matrimonial Property Act, 2013 also recognizes the equal status of spouses in relation to the acquisition, administration, holding, control, use, and disposal of property (Republic of Kenya, 2013).

These measures represent important legal advances in recognizing women as legitimate land and property rights-holders. However, the existence of progressive legislation does not necessarily guarantee equitable outcomes. The continuing interaction between statutory institutions and customary systems means that women's experiences of land rights are shaped by both formal and informal institutions. Research in Kenya demonstrates that women may be aware of their legal rights while

remaining reluctant to pursue claims through customary institutions or formal registration processes because of concerns about household relationships and social expectations (Po & Hickey, 2018). This suggests that the effectiveness of land reform depends not only on the content of legislation but also on how institutions, community leaders, households, and customary authorities interpret and implement those provisions. The implementation gap is therefore an important dimension of women's land rights that requires attention alongside legal reform.

These issues are particularly relevant in Kisii County, where agriculture remains an important component of rural livelihoods and land has substantial economic, social, and cultural significance. Land provides a foundation for agricultural production, household food security, income generation, and intergenerational wealth. At the same time, population pressure, subdivision, and fragmentation can intensify competition over agricultural land. Within such conditions, customary inheritance arrangements and family-based land relations may continue to influence how land is allocated, transferred, used, and controlled. Women contribute substantially to agricultural and household livelihood activities, but their contribution does not necessarily translate into equivalent authority over land ownership, inheritance, registration, or major decisions concerning land. The interaction between household relations, customary expectations, and formal land administration is therefore critical to understanding women's substantive land rights.

South Mugirango Sub-County provides an important setting for examining these dynamics because land governance occurs through multiple institutional and social arenas. Formal land administration structures operate alongside local administrative authorities, customary actors, households, and community-level institutions. These actors may influence how land claims are interpreted, negotiated, registered, inherited, or resolved. Examining their roles makes it possible to move beyond the question of whether women possess legally recognized land rights and instead investigate the institutional conditions under which those rights become meaningful in everyday life. This perspective is consistent with evidence showing that women's land rights are multidimensional and that formal ownership does not necessarily imply control over land management or its benefits (Doss et al., 2015; Slavchevska et al., 2021).

Although existing scholarship has generated substantial knowledge on women's land rights, customary tenure, gender inequality, and land governance, less attention has been given to the institutional pathways through which formal institutions, customary authorities, and local

leadership practices interact to shape women's actual access to and control over land. Existing Kenyan evidence demonstrates the importance of local institutions and social relations in shaping women's land access (Po & Hickey, 2018), while broader African research highlights the need to distinguish legal ownership from the practical exercise of land rights (Doss et al., 2015; Slavchevska et al., 2021). The present study responds to this gap by examining how governance structures and leadership practices shape women's access to and control over land in South Mugirango Sub-County, Kisii County. By connecting formal land governance with customary institutions and community-level leadership, the study seeks to explain the conditions under which legally recognized women's land rights are translated—or fail to be translated—into substantive rights in practice.

1.1 Problem Statement

Kenya has established a progressive legal and policy framework that guarantees women equal rights to access, own, inherit, use, and control land. However, the existence of these formal protections has not consistently translated into substantive land rights for women, particularly in rural communities. Women continue to face barriers associated with patriarchal inheritance practices, male-dominated decision-making, limited representation in land governance structures, costly and complex registration procedures, weak enforcement, corruption, and inadequate awareness of legal rights. The coexistence of statutory and customary land governance systems further complicates this situation, as formal legal provisions may interact with customary rules and social expectations that continue to privilege men in land ownership, inheritance, and decision-making. The resulting gap is therefore not simply a legal deficit, but an implementation and governance problem in which formally recognized rights may remain difficult for women to exercise in practice.

In Kisii County, the problem is particularly significant because land is central to agricultural livelihoods, household security, and intergenerational wealth, while population pressure, subdivision, and land fragmentation continue to increase competition over land. At the same time, customary institutions and community leadership remain influential in matters of inheritance, land allocation, and dispute resolution. Women may consequently depend on male relatives or customary authorities to access land and may have limited influence over decisions concerning its use, registration, transfer, or control. In some cases, women may refrain from pursuing legitimate land claims to avoid family disputes or social repercussions. These conditions demonstrate that legal recognition alone does not determine whether women can exercise meaningful land rights; the practices of

institutions and leaders through which land rights are administered, negotiated, and enforced are equally important.

Despite growing scholarship on women's land rights and gender inequality, limited empirical attention has been directed specifically to how governance structures and leadership practices mediate the translation of formal land rights into substantive access and control at community level. Existing studies have often emphasized legal frameworks, customary tenure, or household-level gender relations without sufficiently examining how formal land institutions, local administrative actors, and customary authorities interact in shaping women's everyday land experiences. This leaves an important evidence gap concerning the institutional and leadership mechanisms that either facilitate or constrain women's land rights in settings characterized by statutory–customary legal pluralism.

The absence of such evidence limits the ability of policymakers, land administration institutions, and community leaders to design interventions that move beyond legal reform towards effective and gender-responsive implementation. There is therefore a need to examine not only whether women possess legally recognized land rights, but also how governance structures, institutional practices, and leadership processes determine their ability to exercise those rights in practice. This study addresses that gap by examining the role of governance structures and leadership practices in shaping women's access to and control over land in South Mugirango Sub-County, Kisii County, with particular attention to the interaction between formal institutions, customary authority, and women's substantive land rights.

1.2 Objective of the Study

The study sought to examine how governance structures and leadership practices shape women's access to and control over land in South Mugirango Sub-County, Kisii County, Kenya.

2. Literature Review

2.1 Empirical Review

2.1.1 Women's Access to and Control over Land

Land is a critical productive, social and economic asset in rural households, shaping livelihoods, food security, social status and intergenerational wellbeing. However, women's relationship with land cannot be understood solely in terms of formal ownership. Access may involve the ability to use land, cultivate it, benefit from its produce, inherit it, transfer it, participate in decisions concerning it, or exercise authority over its use. Control,

in contrast, concerns the ability to make or influence decisions over land and its associated resources. Consequently, a woman may have access to land for cultivation without having meaningful control over its use, transfer or inheritance (Doss et al., 2015; Meinzen-Dick et al., 2019; Ribot & Peluso, 2003).

The distinction between access and control is particularly important in contexts where land is governed through overlapping statutory, customary and household institutions. Doss et al. (2015) demonstrate that gender inequalities in land ownership and control remain substantial across Africa, while Slavchevska et al. (2021) show that women's land rights extend beyond formal ownership to include a broader set of rights and claims. These findings suggest that assessing women's land rights requires attention not only to whether women possess land but also to who determines how land is used, inherited, transferred and managed.

In Kenya, this distinction is especially relevant because statutory reforms have expanded the formal recognition of women's property rights, while social norms and customary practices continue to influence the allocation and control of land. The Constitution of Kenya (Republic of Kenya, 2010), the Land Act (Republic of Kenya, 2012), and the Matrimonial Property Act (Republic of Kenya, 2013) provide important protections for women's property rights. Nevertheless, formal recognition does not automatically guarantee substantive control. Andersson Djurfeldt (2020) argues that women's land rights in Kenya continue to be shaped by the interaction between legal reforms, social norms and changing patterns of landholding.

Thus, women's land rights should be understood as an institutional and relational outcome rather than simply a legal status. The ability to exercise rights depends on the institutions through which land is allocated, documented, inherited, transferred and contested. This provides an important foundation for examining how local leadership and governance structures influence women's access to and control over land in South Mugirango.

2.1.2 Land, Livelihoods, Empowerment and Gender Equality

Women's access to secure land rights is closely associated with household livelihoods, agricultural production, economic security and empowerment. Land provides women with a productive resource through which they can generate food and income, invest in agricultural activities and strengthen their bargaining position within households and communities. Meinzen-Dick et al. (2019) conceptualize women's land rights as an important pathway through which poverty reduction and

empowerment can occur, although the effects depend on the security and substance of those rights.

The broader agrifood literature similarly demonstrates that women's participation in agriculture cannot be separated from their access to productive resources. FAO (2023) emphasizes that gender inequalities in agrifood systems are reinforced by unequal access to land, finance, technology, services and decision-making opportunities. Doss et al. (2018) further caution against treating women as a homogeneous category or assuming that women's agricultural roles necessarily translate into ownership or control over productive assets.

This distinction is important in rural Kisii, where women's agricultural contribution may be substantial even when their authority over land remains constrained. A woman may cultivate family land, contribute labour and produce food for household consumption while having limited authority over decisions concerning the sale, subdivision, inheritance or long-term use of the land. Consequently, women's participation in agricultural production should not be interpreted automatically as evidence of secure land rights or empowerment.

The literature therefore supports a multidimensional understanding of women's land rights in which access, control, decision-making authority and benefit-sharing are examined together. This perspective is particularly relevant to the present study because it moves beyond asking whether women have access to land to examining the institutional conditions under which they can exercise meaningful authority over it.

2.1.3 Governance Structures and Women's Land Rights

Land governance encompasses the institutions, rules, actors and processes through which land is accessed, allocated, administered, documented, transferred and disputed. It therefore extends beyond formal land administration offices to include customary authorities, community structures, household decision-making arrangements and other actors who influence land-related outcomes. Chiwuzie et al. (2022) note that women remain underrepresented in land decision-making across many African contexts, even where gender equality has become an important policy objective. Effective land governance requires more than the existence of institutions. It also depends on transparency, accountability, accessibility, participation and fairness. Where institutions are inaccessible, poorly resourced or insufficiently accountable, formally recognized rights may remain difficult to exercise. Similarly, where women are absent from decision-making structures, institutional decisions may reproduce existing gender inequalities rather than challenge them.

The governance perspective is therefore useful for understanding the findings of the present study concerning women's participation, institutional transparency, accessibility of land offices and perceptions of fairness in dispute resolution. These dimensions indicate that the problem of women's land rights is not only one of legal recognition but also one of how institutions operate in everyday practice. The distinction between formal institutions and actual governance outcomes is increasingly important in the international literature. Recent evidence shows that women's formal rights to land frequently diverge from their rights in practice, with implementation mechanisms, household decision-making, inheritance arrangements and customary institutions influencing whether formal protections translate into substantive rights (Slavchevska et al., 2025). This law–practice gap provides a strong analytical basis for examining local governance processes in South Mugirango.

2.1.4 Leadership, Power and Women's Participation in Land Governance

Leadership is a critical but comparatively underexamined dimension of women's land rights. Leaders are not merely administrative actors; they can shape whose claims are recognized, whose voices are heard and how competing claims are resolved. In rural settings, chiefs, assistant chiefs, elders, customary authorities, community representatives and land officials may influence access to information, dispute resolution, land documentation and community-level decisions. Chiwuzie et al. (2022) observe that women's limited participation in land governance is evident at household, community and administrative levels. This suggests that leadership structures can either reproduce gendered inequalities or provide opportunities for greater inclusion. Gender-responsive leadership can strengthen women's participation by creating spaces for women to articulate claims, access information and participate in decision-making. Conversely, leadership structures dominated by men may reinforce customary expectations that position land authority primarily within male domains.

Leadership must therefore be understood as a mechanism through which institutional power is exercised. The issue is not simply whether leaders exist or whether women are formally represented, but whether women are able to participate meaningfully and whether their participation influences decisions. This distinction between nominal representation and substantive participation is particularly important for the present study. The literature consequently suggests that women's land rights should be examined alongside the behaviour and accountability of leaders responsible for land-related decisions. Such an approach helps explain why the presence of formal institutions may coexist with continued perceptions of

unequal treatment, limited participation and weak institutional responsiveness.

2.1.5 Statutory Law, Customary Institutions and Legal Pluralism

Kenya's land governance system operates within a context of legal pluralism in which statutory law interacts with customary norms and practices. The Constitution recognizes customary law subject to constitutional safeguards, while land legislation establishes formal procedures for land administration, registration and dispute resolution (Republic of Kenya, 2010, 2012). The coexistence of these systems creates opportunities for locally accessible dispute resolution and social legitimacy, but it may also generate contradictions where customary practices conflict with statutory principles of gender equality. Andersson Djurfeldt (2020) demonstrates that legal reform alone does not necessarily transform gendered land relations because social norms influence how rights are interpreted and implemented. Po and Hickey (2018) similarly show that local institutions shape women's access to land in ways that cannot be explained solely by formal law.

The Kisii context provides particularly strong evidence of this tension. Henrysson and Joireman (2009) found that women in the Kisii region experienced weak property rights and faced significant barriers to both formal and customary dispute-resolution mechanisms. Their findings demonstrate that customary institutions cannot automatically be assumed to be accessible or inexpensive simply because they are locally embedded. Rather, their accessibility depends on the social and economic resources available to women. This legal-pluralism perspective is important for South Mugirango because women may navigate multiple systems when seeking to secure or defend land claims. Their experiences may therefore depend on which institution they approach, the authority exercised by local leaders, the nature of the dispute and the social relationships involved. The interaction between statutory and customary institutions is consequently central to understanding women's substantive land rights.

2.1.6 Land Registration, Documentation and the Politics of Recognition

Land registration and documentation are often presented as mechanisms for strengthening tenure security. Formal documentation can provide evidence of rights, facilitate transactions and strengthen an individual's ability to defend land claims. However, registration is not inherently gender-neutral. The process through which land is documented determines whose claims become legally visible and whose interests remain marginalized. Slavchevska et al. (2021) emphasize that women's land

rights encompass multiple forms of rights beyond ownership, while Paradza et al. (2020) demonstrate the potential of mapping and documentation initiatives to strengthen recognition of customary land rights, including women's claims. Yet documentation processes may also reproduce existing inequalities where women have limited information, financial resources or decision-making power.

Santpoort et al. (2021) show that grassroots initiatives in Kenya and other African countries can help translate women's formal land rights into practical claims through awareness creation, community mapping, collective action and support for land documentation. Their findings illustrate that registration becomes more meaningful when accompanied by local awareness, institutional support and women's participation. The politics of recognition is therefore important to the present study. A land right becomes meaningful only when institutions recognize and protect the claimant's entitlement. Consequently, bureaucratic delays, registration costs, discriminatory practices and limited access to land offices can prevent formal rights from becoming substantive rights. Examining these processes is particularly important in understanding the institutional barriers reported by women in South Mugirango.

2.1.7 Dispute Resolution, Access to Justice and Women's Land Rights

Dispute resolution is a central component of land governance because rights have limited practical value if individuals cannot effectively defend them. Women may encounter disputes concerning inheritance, marital property, boundaries, succession, land transactions or access to family land. The availability, affordability and fairness of dispute-resolution mechanisms therefore directly influence women's tenure security. Henrysson and Joireman (2009) provide particularly relevant evidence from Kisii, demonstrating that women may face barriers in both formal and customary dispute-resolution systems. Their findings challenge the assumption that customary mechanisms are necessarily more accessible than formal institutions. Costs, social relationships, power inequalities and procedural uncertainty can constrain women's ability to pursue claims through either system.

This is consistent with a broader understanding of access to justice in which institutional accessibility includes not only physical proximity but also affordability, information, procedural fairness and the likelihood that women's claims will be taken seriously. Where women perceive dispute-resolution institutions as biased or inaccessible, they may withdraw claims, rely on informal negotiations or avoid pursuing disputes altogether. The present study therefore treats dispute resolution as an important indicator of governance rather than as a

peripheral legal issue. Perceptions of fairness in dispute resolution provide insight into whether local institutions are capable of converting formal rights into meaningful protection.

2.1.8 Policy Implementation and the Formal–Substantive Rights Gap

Kenya has established an extensive legal and policy framework intended to promote gender equality in land ownership and property rights. The National Land Policy (Republic of Kenya, 2009), Constitution (Republic of Kenya, 2010), Land Act (Republic of Kenya, 2012) and Matrimonial Property Act (Republic of Kenya, 2013) collectively provide an important statutory foundation for women's land rights. However, a persistent challenge is the gap between formal policy commitments and implementation. Women may have legally recognized rights while facing practical barriers arising from administrative costs, delays, inadequate information, discriminatory practices, social norms and weak enforcement. Andersson Djurfeldt (2020) emphasizes that legal reform interacts with persistent social norms, while recent global evidence confirms that legal protections and actual land rights often diverge substantially (Slavchevska et al., 2025).

The implication is that evaluating women's land rights solely by examining legislation may produce an overly optimistic picture. A meaningful assessment must consider whether women can understand their rights, access relevant institutions, participate in decisions, obtain documentation and enforce claims when disputes arise. This distinction closely corresponds with the present study's findings concerning registration costs, bureaucratic delays, weak enforcement and discrimination. These barriers suggest that the central governance challenge is not necessarily the complete absence of legal protection, but the uneven translation of formal rights into lived and enforceable rights.

2.1.9 Feminist Political Ecology and the Gendered Governance of Land

Feminist Political Ecology (FPE) provides the principal theoretical lens for understanding the gendered distribution of land, authority and environmental resources. FPE emphasizes that access to natural resources is shaped by intersecting relations of gender, class, power, institutions, knowledge and social identity (Rocheleau et al., 1996; Elmhirst, 2011). From an FPE perspective, land is not simply a physical or economic asset. It is embedded in social relations through which rights, responsibilities and authority are negotiated. Questions concerning who owns land, who cultivates it, who makes decisions about it and whose knowledge is recognized are therefore questions of power. FPE also

draws attention to the importance of scale. Women's land rights are shaped simultaneously at household, community, institutional and policy levels. A woman may possess a formally recognized right at the national level but encounter constraints within her household or community. Conversely, local institutions and collective action may create opportunities for women to strengthen rights even where formal systems remain difficult to navigate.

This perspective is particularly appropriate to the present study because it connects women's individual experiences with broader institutional and political structures. It enables the study to examine not only whether women have access to land, but also how leadership, customary authority, formal institutions and social norms shape their ability to exercise meaningful control.

2.1.10 Women's Agency, Bargaining Power and Strategic Land Claims

Women's land rights also depend on agency: the capacity to make claims, negotiate decisions and pursue preferred outcomes within social and institutional constraints. Agency should not, however, be interpreted as unlimited individual choice. Women's ability to claim land may be conditioned by economic dependence, marital relationships, family expectations, social reputation and the perceived consequences of challenging existing arrangements. Meinzen-Dick et al. (2019) emphasize that the developmental effects of women's land rights depend partly on the security and substance of those rights. Similarly, Po and Hickey (2018) demonstrate that local institutional arrangements influence women's ability to access and use land resources. Santpoort et al. (2021) further demonstrate that women's collective action and grassroots organizations can strengthen women's capacity to translate formal rights into practical claims.

This literature is important because women may sometimes refrain from pursuing formally available rights not because they are unaware of those rights, but because claiming them may generate household conflict, threaten social relationships or produce economic and social costs. Consequently, apparent non-claiming should not automatically be interpreted as passivity. It may represent a strategic response to constrained bargaining environments. This perspective provides an important interpretive bridge to the present study. Where women report limited participation or choose not to pursue land claims, the explanation may lie partly in the institutional and relational costs associated with exercising those rights. Women's agency must therefore be examined alongside the structures that enable or constrain it.

The literature demonstrates that women's land rights are multidimensional and cannot be reduced to formal

ownership. Access, control, decision-making, inheritance, documentation, dispute resolution and the ability to benefit from land are interconnected dimensions of substantive tenure security. The literature further establishes that these rights are shaped by the interaction of statutory law, customary institutions, social norms, administrative processes and local power relations. Four broad insights emerge. First, formal legal recognition is necessary but insufficient for securing women's substantive land rights. Second, local institutions and leadership structures influence whether formal rights are translated into practical outcomes. Third, legal pluralism creates both opportunities and constraints because statutory and customary systems may complement or contradict one another. Fourth, women's agency and collective action can strengthen land claims, but this agency is exercised within unequal social and institutional relationships.

Despite these advances, important gaps remain. Much of the literature examines women's land ownership, tenure security or legal reform at national or broad regional levels, while comparatively less attention is given to how local leadership, institutional accountability, women's participation and dispute-resolution practices interact to shape access to and control over land in specific rural communities. The Kisii evidence is particularly important because existing research has demonstrated weaknesses in women's property rights and access to dispute-resolution mechanisms, but there remains a need for contemporary empirical evidence linking these experiences to local governance and leadership structures.

The present study addresses this gap by examining women's access to and control over land in South Mugirango, Kisii County, through an integrated analysis of governance structures, leadership practices, statutory and customary institutions, women's participation, institutional accessibility, policy implementation and dispute resolution. By combining women's reported experiences with perspectives from local administrative and land-governance actors, the study moves beyond a purely legal assessment to examine how land rights are actually negotiated, implemented and contested at community level. The study therefore contributes to the literature by positioning women's land rights as a governance and power question, rather than solely a property-rights or legal-reform issue. Its central concern is not only whether women possess rights in law, but whether local institutions and leadership arrangements enable women to exercise those rights meaningfully, equitably and securely.

2.2 Theoretical Framework

2.2.1 Feminist Political Ecology

Feminist Political Ecology (FPE) provides the principal theoretical lens for this study because it offers a strong framework for understanding how gender, power, institutions, and access to natural resources intersect. FPE challenges the assumption that access to resources such as land is determined solely by economic need, legal ownership, or physical availability. Instead, it views resource access as socially and politically constructed through relationships of power operating within households, communities, institutions, markets, and wider political systems (Rocheleau et al., 1996; Elmhirst, 2022). From this perspective, land is not simply a productive or economic asset; it is also a site where gender relations, authority, identity, inheritance, and competing claims over rights are negotiated.

The relevance of FPE to women's land rights lies in its emphasis on the unequal distribution of both resources and decision-making power. Women and men may depend on the same land for their livelihoods but experience substantially different rights over its use, management, inheritance, registration, and transfer. These differences are shaped by gender norms and by the institutions through which land is governed. Household relations, kinship systems, customary inheritance practices, community leadership, and formal land administration can therefore determine whose claims are recognized, whose voices are considered legitimate, and who ultimately exercises control over land. FPE consequently shifts analytical attention from simply asking whether women have access to land to asking under what social, institutional, and political conditions that access is obtained, maintained, and exercised.

This perspective is particularly useful in contexts characterized by legal pluralism, where statutory law operates alongside customary rules and informal practices. The formal recognition of women's land rights does not necessarily eliminate customary practices or social expectations that privilege men. Rather, women may have to navigate several systems of authority simultaneously when seeking to acquire, inherit, register, use, or defend land. The coexistence of these systems can create opportunities for women to negotiate rights, but it can also generate uncertainty, reinforce male authority, or make the exercise of formal rights socially costly. FPE therefore provides a useful basis for examining the gap between formal recognition and substantive realization of women's land rights.

The framework also draws attention to the political nature of participation. Inclusion in land-related meetings, committees, or community decision-making structures does not automatically constitute meaningful participation. FPE encourages examination of who has authority to define priorities, whose knowledge is considered legitimate, whose interests are represented,

and whose decisions carry greater weight. In this study, this perspective is particularly relevant to assessing whether women's participation in land governance translates into actual influence over decisions concerning land allocation, inheritance, registration, dispute resolution, and control.

FPE further recognizes that gender cannot be examined independently of broader institutional and socioeconomic conditions. Women's ability to assert land rights may be constrained by poverty, administrative costs, limited legal awareness, social expectations, and unequal access to institutional decision-makers. These factors interact with gendered power relations to shape the practical exercise of land rights. Thus, a woman may possess a legally recognized claim but lack the financial resources, institutional support, social authority, or bargaining power required to pursue that claim effectively.

For this study, FPE is therefore used to conceptualize women's land access and control as gendered and institutionally mediated outcomes. The framework directs attention to the interaction between formal law, customary authority, governance institutions, leadership practices, household relations, and gender norms. It provides the theoretical basis for examining how power operates through land governance structures and how institutional practices may either reproduce or challenge gender inequalities in access to and control over land.

2.2.2 Governance and Leadership Perspective

While FPE explains the broader gendered power relations underlying inequalities in land access and control, a governance and leadership perspective helps identify the institutional mechanisms through which these inequalities are reproduced or addressed. Land governance concerns the institutions, rules, actors, procedures, and decision-making processes through which land is accessed, allocated, registered, transferred, inherited, managed, and contested. Good land governance is commonly associated with transparency, accountability, participation, inclusion, equity, accessibility, and the effective implementation of established rules.

These dimensions are particularly important for women because the existence of formal rights is meaningful only when institutions are capable of implementing and protecting them. Transparent and accessible land administration can reduce uncertainty and opportunities for discriminatory practices, while accountable institutions can provide mechanisms through which women challenge unfair decisions. Similarly, simplified procedures and accessible information can reduce the administrative and financial barriers that disproportionately affect individuals with limited resources. Conversely, corruption, bureaucratic delays,

weak enforcement, institutional fragmentation, and limited accountability can make formal land rights difficult to exercise.

Leadership is an important component of this governance process. Leaders operating within formal institutions, local administration, and customary structures may influence how land rules are interpreted and applied. They may determine how disputes are handled, whose claims receive attention, how community participation is organized, and whether statutory requirements are given priority over discriminatory practices. Leadership can therefore function either as a mechanism for advancing gender equality or as a mechanism through which existing inequalities are maintained. Gender-responsive leadership is particularly important where customary authority remains influential because leaders may have to negotiate between statutory requirements, community expectations, and women's legally recognized rights.

The governance and leadership perspective also highlights the importance of institutional coordination. Women's land claims may involve multiple actors, including land administration offices, local government representatives, chiefs and assistant chiefs, customary authorities, family members, and dispute-resolution structures. Where these actors operate without clear coordination, women may encounter inconsistent information, overlapping authority, or uncertainty about where and how to pursue their claims. Effective governance therefore requires not only appropriate laws but also institutional capacity and coordination across the different actors involved in land administration and dispute resolution.

In this study, governance and leadership are consequently understood as mechanisms that mediate the translation of formal land rights into substantive rights. The framework focuses on whether institutions and leaders provide women with meaningful opportunities to participate, access information, register and secure land, resolve disputes fairly, and exercise decision-making authority. It also considers how institutional weaknesses and customary practices may constrain these opportunities.

Overall, the study integrates Feminist Political Ecology with the governance and leadership perspective to explain the relationship between gendered power and institutional practice. FPE provides the overarching explanation of why women and men may experience land rights differently, emphasizing the role of power, social norms, household relations, and customary institutions. The governance perspective complements this by identifying the institutional processes through which these power relations become visible in everyday land administration and decision-making.

The combined framework therefore conceptualizes women's access to and control over land as an outcome of the interaction between formal legal provisions, customary authority, governance structures, leadership practices, and gendered social relations. Progressive legislation may establish women's formal rights, but the realization of those rights depends on how institutions and leaders implement, interpret, enforce, and negotiate them within specific social contexts. The framework consequently directs the study beyond the presence of legal rights to examine the conditions under which women can actually exercise those rights.

Conceptually, the study assumes that gender-responsive, transparent, accountable, inclusive, and accessible governance and leadership can strengthen women's substantive land rights, whereas exclusionary leadership, weak accountability, corruption, institutional barriers, and discriminatory customary practices can constrain them. This integrated perspective provides the analytical foundation for examining how governance structures and leadership practices shape women's access to and control over land in South Mugirango Sub-County.

3. Methodology

The study adopted a convergent mixed-methods design, combining quantitative evidence from women farmers with qualitative evidence from land-governance actors. It was conducted in Tabaka, Bogetenga, and Boikang'a wards of South Mugirango Sub-County, Kisii County. The area is predominantly rural and depends heavily on smallholder agriculture. Small and fragmented landholdings, population pressure, and customary tenure practices make it an appropriate setting for examining gendered land governance. The reported target population was 5,602, comprising women farmers, village heads/chiefs/assistant chiefs, and county land-governance

officials. Women farmers were selected through proportional stratified random sampling across the three wards. Governance actors were selected purposively, while county land officials were approached as a census because of their small number. The original manuscript reports a planned sample of 373 and 366 completed questionnaires, alongside key-informant interviews with local leaders and county land officials. However, inconsistencies exist between the reported population, sample calculations, sampling tables, and final analytic sample. The quantitative analysis presented in the results is based on 241 valid cases. The final manuscript should therefore clearly report the number of questionnaires distributed, returned, excluded, and analysed, together with the response rate. Structured questionnaires using five-point Likert-scale items were used to assess governance structures, leadership practices, women's land access, and institutional/legal barriers. Key-informant interviews explored institutional arrangements, leadership practices, customary authority, policy implementation, and barriers to women's land rights. Quantitative data were analysed using frequencies, percentages, means, standard deviations, correlation, and regression. Qualitative data were coded thematically, with attention to convergence and divergence across respondent groups. Because the study is cross-sectional, the reported statistical relationships are interpreted as associations rather than causal effects.

4. Results and Discussion

4.1 Governance Structures and Leadership Practices

The study examined governance structures and leadership practices through respondents' perceptions of institutional transparency, accountability, participation, representation, customary authority, and fairness in land-related decision-making.

Table 1: Perceptions of Governance Structures and Leadership Practices

Governance indicator	Mean	SD
Corruption affects land allocation	4.23	1.057
Customary systems disadvantage women	3.65	1.161
Traditional leaders influence land decisions	3.14	1.343
Land offices are accessible to women	3.03	1.330
Women represented in land committees	2.94	1.299
Land dispute resolution is fair	2.91	1.474
Formal institutions protect women's rights	2.87	1.377
Women included in decision-making	2.65	1.301
Women participate meaningfully	2.52	1.288
Institutions are transparent	2.48	1.304
Leaders treat men and women equally	2.03	1.173

Source: Field data, 2026.

The findings presented in Table 1 indicate a governance environment in which formal structures exist but do not consistently provide women with equal voice, protection, or influence. The highest-rated concern was corruption in land allocation ($M = 4.23$, $SD = 1.057$), followed by the perception that customary systems disadvantage women ($M = 3.65$, $SD = 1.161$). Respondents also indicated that traditional leaders continue to influence land decisions ($M = 3.14$, $SD = 1.343$). In contrast, perceptions of gender-responsive and inclusive governance were comparatively weak: respondents rated equal treatment of men and women by leaders lowest ($M = 2.03$, $SD = 1.173$), followed by institutional transparency ($M = 2.48$, $SD = 1.304$), meaningful participation of women ($M = 2.52$, $SD = 1.288$), and women's inclusion in decision-making ($M = 2.65$, $SD = 1.301$). These patterns suggest that the principal challenge is not the absence of governance structures, but the extent to which existing institutions operate transparently, equitably, and responsively to women's land rights.

The qualitative findings provide important context for these patterns and demonstrate how governance weaknesses are experienced in practice. A Deputy Assistant County Commissioner acknowledged that although Kenya's legal framework provides equal rights, implementation at the grassroots level remains influenced by cultural beliefs. Similarly, a Chief observed that women participate in public forums but that men continue to dominate land-related discussions, suggesting that

formal participation does not necessarily translate into decision-making influence. An Assistant Chief further explained that customary expectations can shape dispute outcomes and that some women withdraw land claims to avoid family conflict.

From the institutional perspective, an NLC official emphasized that although Kenya's legal framework is progressive, limited awareness of women's rights constrains its realization, while a County Land Officer identified the cost and complexity of land administration as important barriers for vulnerable groups. Taken together, the quantitative and qualitative evidence indicates that women's land rights are mediated by the interaction of formal institutions, customary authority, leadership practices, and gendered social relations. The findings therefore support the Feminist Political Ecology argument that access to land is not determined by formal law alone but is shaped by the power relations and institutional processes through which land rights are interpreted, negotiated, and enforced.

4.2 Policy, Legal and Institutional Barriers

The second set of findings highlights barriers that prevent women from translating formal rights into secure land access and control.

Table 2: Policy, Legal and Institutional Barriers to Women's Land Access and Control

Policy/legal indicator	Mean	SD
Land registration costs are high for women	4.08	1.137
Bureaucratic delays hinder land ownership	3.90	0.882
Land laws are poorly enforced locally	3.89	0.763
Women face discrimination in registration	3.79	0.986
Customary laws override formal laws	3.32	1.144
Women understand land-rights laws	2.99	1.255
Land laws effectively protect women	2.91	1.192
Agricultural policies support sustainable land use	2.80	1.317
Government supports women's land ownership	2.64	1.291

Source: Field data, 2026.

Results in table 2 above shows that registration costs recorded the highest mean ($M = 4.08$, $SD = 1.14$), followed by bureaucratic delays ($M = 3.90$, $SD = 0.88$), weak local enforcement ($M = 3.89$, $SD = 0.76$), and discrimination during land registration ($M = 3.79$, $SD = 0.99$). Respondents also reported that customary law often overrides formal land law ($M = 3.32$, $SD = 1.14$). Uncertainty regarding knowledge of women's land rights ($M = 2.99$, $SD = 1.26$) and the effectiveness of land laws ($M = 2.91$, $SD = 1.19$) suggests important gaps in legal literacy and confidence in institutional protection.

Qualitative findings explain these patterns. An NLC official reported that women experience difficulties navigating registration because of costs, documentation requirements, and limited legal awareness. A Land Registrar observed that some women begin registration but fail to complete the process because of financial constraints and lengthy procedures. Community leaders emphasized that families may continue to favour male ownership despite statutory protections. The findings indicate that the principal challenge is not simply the absence of legal protection but the institutional conditions under which rights are implemented. Legal reform without accessible administration, accountability, legal literacy, and mechanisms for addressing conflicts between customary and statutory norms is unlikely to produce substantive equality.

4.3 Governance, Leadership and Women's Land Access and Control

The study further examined the relationship between governance structures and leadership practices and women's access to and control over land. The regression analysis reported a statistically significant association between the governance measure and the study outcome ($\beta = 0.449$, $p < .001$), indicating that variations in governance structures and leadership practices were

meaningfully related to the outcome measured in the model. However, the original regression specification operationalized the dependent variable as sustainable agricultural production, whereas the present study is concerned primarily with women's access to and control over land. The reported coefficient should therefore be treated cautiously until the model is re-specified using a clearly operationalized measure of women's land access and control. The corrected analysis should report the full regression statistics, including R^2 , adjusted R^2 , F-statistic, standard error, confidence intervals, sample size, and relevant diagnostic tests.

Notwithstanding this specification issue, the broader findings provide strong contextual evidence for an association between governance quality and women's substantive land rights. The survey results showed substantial concerns regarding corruption in land allocation, limited institutional transparency, weak enforcement, inadequate representation of women, restricted meaningful participation, and gender inequality in leadership practices. These quantitative patterns were corroborated by the qualitative evidence. A Chief reported that although women participate in public forums, men continue to dominate discussions concerning land, indicating that formal participation does not necessarily translate into influence over decisions. An Assistant Chief similarly noted that customary expectations can shape dispute outcomes and that some women withdraw land claims to avoid family conflict. These accounts demonstrate how institutional authority and customary social relations can influence the practical exercise of formally recognized land rights.

The institutional interviews further reinforced this interpretation. A National Land Commission official emphasized that limited awareness of women's legal rights constrains their ability to claim and exercise those rights, while a County Land Officer identified the cost

and complexity of land administration as important barriers. A Land Registrar likewise indicated that some women are unable to complete registration processes because of financial constraints and lengthy administrative procedures. The convergence of these accounts with the survey findings suggests that governance affects women's land rights through several interconnected pathways, including accessibility of land institutions, administrative efficiency, accountability, participation, enforcement, and the interaction between statutory and customary authority.

These findings are consistent with evidence that women's land rights cannot be adequately understood through formal ownership alone. Doss et al. (2015) argue that land rights are multidimensional and include rights relating to access, use, ownership, and control. Similarly, Slavchevska et al. (2021) demonstrate that women may experience substantial inequalities in land management and decision-making even where formal ownership rights exist. In Kenya, Po and Hickey (2018) show that local institutions and the interaction between statutory and customary systems can shape women's ability and willingness to claim land resources. The present findings extend this understanding by demonstrating how governance practices and leadership processes operate at community level to mediate the translation of formal land rights into substantive rights.

Viewed through Feminist Political Ecology, the findings highlight that land governance is also a question of power. Formal institutions may recognize women as equal rights-holders, yet unequal participation, male-dominated leadership, customary expectations, administrative barriers, and weak enforcement can limit women's capacity to exercise those rights in practice. The findings therefore reveal an important distinction between having a legal right and being able to use that right effectively. This distinction is particularly important in contexts where statutory and customary systems coexist, because women may have to navigate multiple and sometimes competing sources of authority when seeking registration, inheritance, dispute resolution, or control over land.

The quantitative and qualitative findings consequently converge on the conclusion that governance structures and leadership practices are closely associated with the conditions under which women exercise land rights. However, given the cross-sectional design, the observed statistical relationship should be interpreted as an association rather than a causal effect. The evidence does not demonstrate that governance practices independently cause changes in women's land access or control; rather, it indicates that institutional accountability, participation, enforcement, administrative accessibility, and customary authority are important dimensions of the governance

environment within which women's land rights are realized. Strengthening these dimensions is therefore essential for narrowing the gap between Kenya's progressive legal provisions and women's everyday experience of land access, control, and decision-making.

5. Conclusion and Recommendations

5.1 Conclusion

The study demonstrates that women's access to and control over land are shaped by the interaction of formal law, institutional practice, customary authority, and leadership. Although Kenya has established a progressive legal framework, women continue to encounter barriers associated with corruption, weak transparency, limited participation, high registration costs, bureaucratic delays, weak enforcement, and discriminatory customary practices. The findings support the FPE proposition that access to land is produced through gendered power relations rather than determined by formal ownership rules alone. Governance institutions and leaders therefore have a critical role in determining whether formal land rights become substantive rights. Strengthening women's land rights consequently requires more than legal reform. It requires accountable and accessible institutions, inclusive leadership, effective enforcement, improved legal literacy, and constructive engagement with customary authorities. Because the study was conducted in three wards of South Mugirango Sub-County, its findings should be generalized to Kisii County cautiously and with recognition of local variation.

5.2 Recommendations

- 1. Strengthen Implementation and Accountability:** National and county land institutions should strengthen monitoring and enforcement of gender-responsive land laws and establish clearer accountability mechanisms to reduce corruption and discretionary practices.
- 2. Reduce Administrative Barriers:** Land-registration procedures should be simplified, costs made transparent, and services progressively digitized while maintaining accessible assistance for women with limited legal or digital literacy.
- 3. Increase Women's Participation:** Women should have meaningful representation in land committees, dispute-resolution structures, public participation forums, and other land-governance bodies. Representation should extend beyond

numerical inclusion to genuine influence over decisions.

4. **Engage Customary Institutions:** County and national land institutions should engage customary leaders, elders, women leaders, and

community organizations in structured dialogue aimed at identifying and reforming customary practices that conflict with constitutional principles of gender equality.

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