GAINING GROUND

Jockin recounts one example where the NSDF and SPARC participated in meetings related to a World Bank project for adequate housing for the poor. "Our coordination with SPARC allowed 10,000 people to apply for housing in the project," he says. "On their own, local people would not have known how to complete the formalities."

Jockin also notes how collaboration has given NSDF new perspectives. "Until recently organizations like ours were male dominated," he says. We only used women for demonstrations. But now we want them to take leadership roles."

Women's assumption of leadership roles in negotiation with authority is one of the key benefits of this SPARC project. Patel says government and municipal authorities are grudgingly but increasingly supportive of the plight of pavement dwellers. "The whole idea of SPARC and this project is to get women on the negotiation table and to create relationships in which we can argue our position extensively," she says.

"We see our role as one of education on both sides. The officials are learning to negotiate with the poor and vice versa."

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Zipporah Mutanga Musembi lives in the Machakos district of Kenya where she worked with her husband on their 4.4 hectare farm for 6 years. When he secretly decided to sell the farm and move away, she was left with nothing. The new "owners" of the land came and demolished her home, forcing the older children to leave the only house they knew. Musembi had to move in with her older married sister.

Musembi's example, according to IDRC project researcher Elizabeth Nzioki, is not exceptional. It is the story of many rural women around the world who are constrained in their ability to own and control land.

Nzioki began the project, called "Access to Land Ownership in Kenya," in 1987. Nzioki conducted research in the Mumbuni area of the Machakos district of Kenya, where she interviewed rural women in the context of land tenure reform.

The project has focused specifically on how land tenure reform has affected women's relationship to land and its implication for agricultural work done by women.

Land tenure reform legislation was introduced in Kenya in 1954 and it was designed to transform customary land tenure to statutory free hold through land adjudication, consolidation, and registration.

A key development in Kenyan land tenure reform was the issuing of title deeds in the name of the "head of the family."

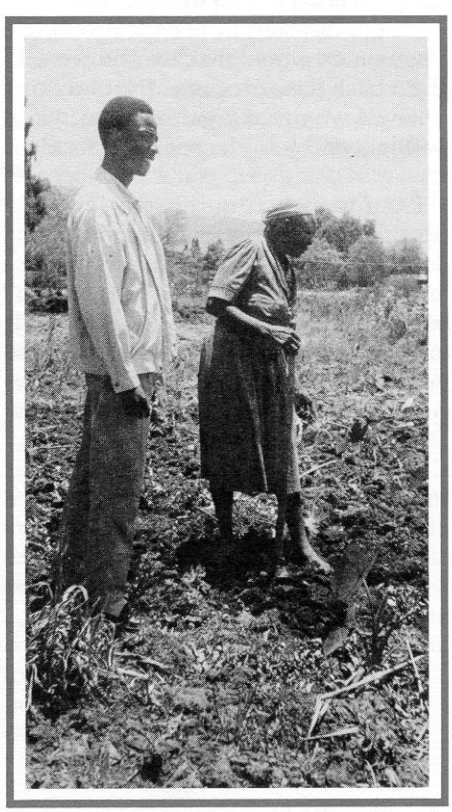
"The problem with the legislation," Nzioki notes, "is that the titled land is being transferred almost exclusively to male individuals." There is no provision for how women's access rights are to be defined or for how the land is to be divided after a married couple has separated, she says.

This has led to an "individualization of land" in which male individuals, through the title deed, now have full power and legal rights over family land. Nzioki says there are a number of implications for women.

The first is that because most land is inherited by the male head of the family and not bought, women rely on men for land. "In this country, women do not inherit land but are almost completely dependent on their husbands, brothers, or in-laws to give them land and to let them farm," Nzioki says.

A case in point is Theresa Wayua, a single mother of six. She was pregnant when she dropped out of secondary school and was sent away for having shamed her family.

"After the death of my parents" she recalls, "one of my brothers gave me a patch of land where I could build a small house. I work on coffee farms as a casual labourer for only 200 Kenyan shillings (US$10) a month." The brother is now urging her to move as he wants to use her land for another purpose. Wayua, like many other rural Kenyan women, is dependent on a male relation for access to land.



Ngii Musyoki in her "shamba" (farm) with a member of the research team.

Many women, like Wayua, work on large farms, making little income. Nzioki concludes that, however good the land legislation is, these disenfranchised women will rarely benefit. "The few women who have benefited are the economically better off — those with urban connections. Generally, rich farmers have gained at the expense of poor farmers, those with access to education and political power have gained at the expense of those who do not, and men have gained at the expense of women."

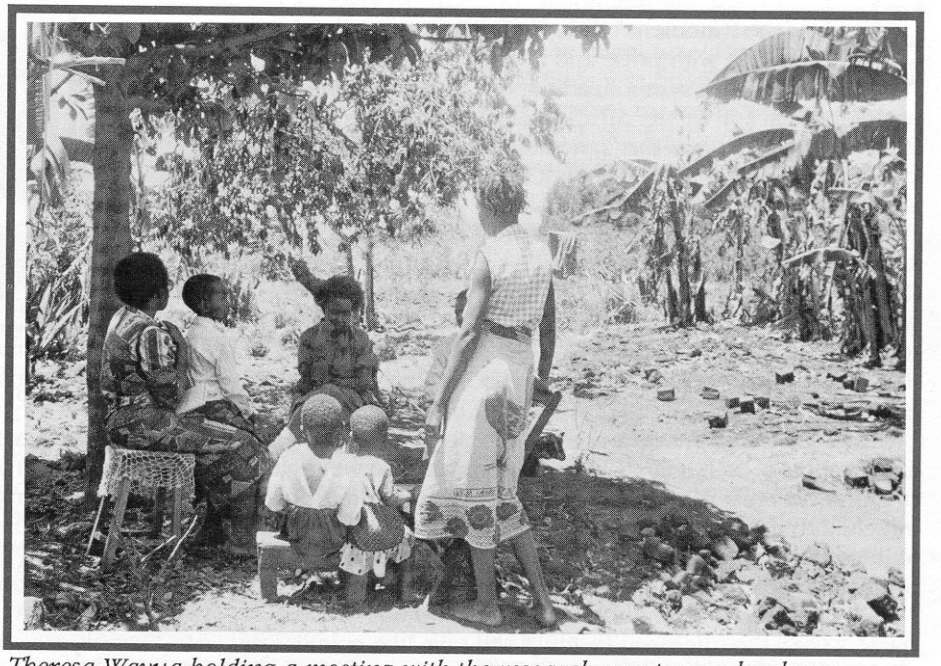
Instead of their traditional role as agricultural farmers and producers, women have been transformed into simple labourers on cash-crop farms. "The title deed is a legal instrument which has empowered men to have control over not just land but another resource — women's labour," says Nzioki.

Most land that women do own is often of poor quality, further hindering women's productive capacity. "Lack of decision-making power on land use is pushing women to marginalized land and decreasing their traditionally high agricultural productivity," Nzioki says.

After her husband left her with a mentally retarded and a physically disabled child, Ngii Musyoki was forced to move to another area 4 kilometres away. Without income to buy or lease land she found a free, swampy piece of land and claimed it as her "shamba" (farm).

Although Musyoki has farmed this land for more than 20 years, she does not legally own it. She is what the municipality calls a "tenant at sufferance" and can be evicted from her farm at short notice. She is also not permitted to plant cash crops like coffee or bananas — imposing a serious constraint on her income.

The fact that Musyoki has little control of her own land is a reflection of the government's lack of understanding of the agricultural contributions of women, Nzioki says. "This does not augur well for the government's policy on nutrition and food security where the strategy is to increase and diversify food production at the household level so that rural families are properly fed," she says.



Theresa Wayua holding a meeting with the research group near her home.

Musyoki has been sending emissaries to the district commissioner in Machakos for an appointment to discuss her "shamba." So far, the only government official she has been able to talk to has assured her that she can work her farm until 1993 without fear of eviction.

The fact that Musyoki cannot discuss her land claims with government officials does not surprise Tom Kyule, a member of Nzioki's research team. He says that among the 150 women interviewed, none had received training for new farming techniques nor had they talked to extension officers. "One of the women told me that the extension worker wanted to talk with her husband, despite the fact that he lives in Nairobi and comes home only once every 2 months."

Kyule explains that this is often because the extension workers have the names of the owners of land parcels, usually the males in the family. The owner of the land title, however, is not always the one that actually farms the land, Kyule says.

Despite the obstacles facing women, Nzioki remains positive that her research work has done much to create awareness among women. Interviews with rural women farmers leads Nzioki to speculate that Kenya may see resistance to certain land sales in the future.

She says that the research is policy oriented, with the results communicated to the law reform commission in a bid to raise the status of rural women. "These women contribute a lot to the economy of this country," Nzioki says with anger, "but they are rarely acknowledged." Her project's key thrust is to reveal the systematic discrimination against women to government and society. Nzioki fervently hopes that this awareness will lead to greater confidence among Kenyan women and fairer land legislation.

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