

Description

Should African women own land? That question was posed in a booklet by the Kenyan Human Rights Commission (KHRC) published in 1998. The answer to the topic raised is not as straightforward as one might think, as it depends on who the question is aimed at as well as the various tenure regimes, i.e. statutory or customary, that are in existence in a specific area. Are women discriminated against in land allocation and ownership? That question is much easier to answer in the affirmative. In this article, we will provide a short historical overview of land policy and land law development in Kenya and the way these have affected and still impact the position of women in Kenyan society. In particular, we will present detailed cases of the use of fake wives by cheating husbands, in an attempt to convince the local Land Control Board that the intended sale of part of the family land is conducted with the full approval of the other household members. The phenomenon of fake wives is referred to locally as “Wives-for-Hire”. By revealing this information, we hope to contribute to the calls from groups monitoring women’s land rights for the dissemination of knowledge about questionable practices.