LAND CONFLICTS AND THEIR IMPLICATIONS ON SOCIAL COHESION IN NAKURU COUNTY, KENYA

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(M.A-CUEA, PGD – UoN, B.A – CUEA)

A THESIS SUBMITTED TO THE SCHOOL OF POST-GRADUATE STUDIES IN PARTIAL FULFILLMENT OF THE REQUIREMENTS OF THE DEGREE OF DOCTOR OF PHILOSOPHY IN PEACE AND CONFLICT STUDIES, IN THE SCHOOL OF ARTS AND SOCIAL SCIENCES, DEPARTMENT OF POLITICAL SCIENCE AND PEACE STUDIES, KISII UNIVERSITY

NOVEMBER, 2020
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DECLARATION BY THE CANDIDATE

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DEDICATION

This work is dedicated to my wife Loise Nyaga, my children Emmanuel Mutugi, Simon Kariuki, Caden-Paul Murithi and the late John Nyaga for support and encouragement during the course of writing this thesis.
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ABSTRACT

The study sought to understand determinants of land conflicts and their implications on social cohesion in Nakuru County. There are persistent land conflicts, which usually take the form of ethnic dimension, which adversely divide communities living in the region. Various attempts by the government have been made to resolve the persistent conflicts, but no positive results have been achieved. Affected communities continue to live apart from each other, wars, deaths, enmity, hatred and suspicion continue to escalate, which are inimical to the social well-being of the communities in the region. The study was enucleated by the following objectives: to establish historical development of land disputes and their implications on social cohesion; to examine deployed Land Tenure systems and their implications on social cohesion; to evaluate challenges faced by affected communities in attaining secure land ownership, and to assess the effectiveness of existing conflict resolution mechanisms in resolving land conflicts for social cohesion. The theories that informed the study were the Entitlement theory and the Social Capital Theory. Qualitative research design was used for the study, with a target population of 1806 households, and a sample size of 500 respondents. Sampling methods used were: purposive and clustered simple sampling. Data collection tools were: questionnaires, interview schedule, Focused Group Discussions and observations. Data was analysed using descriptive statistics, presented inform of graphs, pie charts, tables and verbatim reports. The research established that Kenya’s poor historical land distribution and allocation led to land conflicts which have serious negative implications on social cohesion, where the locals feel that their land was taken away from them and given to non-local communities. The study also established that the deployed land tenure systems did not provide necessary security and stability to land owners in the region. Additionally, indicators of poor social fabric like negative ethnicity, divisive politics, widespread corruption, unresolved historical injustices, among other factors were found to frustrate the efforts to attain secure land ownership for the affected communities and also the efforts by the government to address land issues. These indicators have divided communities more, thus widening the social gap between them. The study also established that there was insufficient involvement of local community in addressing land matters; there are practically no local communities’ land management mechanisms that could take charge of land related issues. The study recommends for: sustainable community based land management systems that will ensure secure and stable land ownership, enforcement of laws criminalizing political incitements and ethnic hate speech; frantic fight against corruption, involvement of communities in seeking solution to historical land injustices, sensitizing community members against negative ethnicity towards societal values of trust, respect for diversity and identities, tolerance as well as promoting equality and justice. These measures were perceived by the study to enhance social cohesion.
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LIST OF ACRONYMS

ADRM  Alternative Dispute Resolution Mechanisms
CBA   Collective Bargaining Agreement
CDN   Catholic Diocese of Nakuru
CIPEV Commission of Inquiry into Post-Election Violence
CJPC  Catholic Justice and Peace Commission
DCI   Directorate of Criminal Investigations
DCPs  District Peace Committees
EACC  Ethics and Anti-Corruption Commission
ELC   Environment and Land Court
EWRS  Early Warning and Response System
EU    European Union
FAO   Food and Agricultural Organization
FASS  Faculty of Arts and Social Sciences
FGDs  Focused Group Discussions
GDP   Gross Domestic Product
GoK   Government of Kenya
IDPs  Internally Displaced Persons
KIPPRA Kenya Institute of Public Policy Research and Analysis
KNBS  Kenya National Bureau of Statistics
KNDRA Kenya National Dialogue and Reconciliation Agreement
LGDI  Land Development and Governance Institute
<table>
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<th>Acronym</th>
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<tr>
<td>MoLPP</td>
<td>Ministry of Lands and Physical Planning</td>
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<td>NACOSTI</td>
<td>National Council for Science, Technology and Innovation</td>
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<td>NCIC</td>
<td>National Cohesion and Integration Commission</td>
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<td>NCIP</td>
<td>National Cohesion and Integration Policy</td>
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<td>NCPD</td>
<td>National Council for Population and Development</td>
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<td>NLRO</td>
<td>National Lands Registration Ordinance</td>
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<td>NGO</td>
<td>Non-Governmental Organizations</td>
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<td>NLC</td>
<td>National Land Commission</td>
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<tr>
<td>ODPP</td>
<td>Office of the Director of Public Prosecutions</td>
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<tr>
<td>OECD</td>
<td>Organization for Economic Co-operation and Development</td>
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<td>PEV</td>
<td>Post-Election Violence</td>
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<td>TDRM</td>
<td>Traditional Dispute Resolution Mechanisms</td>
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<td>TJRC</td>
<td>Truth, Justice and Reconciliation Commission</td>
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<td>SCI</td>
<td>Social Cohesion Index</td>
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<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Program</td>
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<td>UNRISD</td>
<td>United Nations Research Institute for Social Development</td>
</tr>
<tr>
<td>U.S</td>
<td>United States (of America)</td>
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<td>WB</td>
<td>World Bank</td>
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CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Conflicts over natural resources are a common global feature, often blended with ethnic, religious and tribal resentments. As explained by Klare (2002), conflicts pose a serious social threat to peace and stability in many parts of the world. Land is one of such natural resources considered the most valuable, with an ever-appreciating monetary value and the foundation of all other economic resources such as minerals. As a valuable resource, land drives conflicts globally (Sifuna, 2009). This assertion is explained by Machira (2008) that land entitlement is a major factor in ethnic, regional and international conflicts, often taking the form of local land and inter-state ownership disputes in many parts of the world.

Land conflicts occur in many forms and as (Wehrmann, 2008) reveals, they take the form of boundary conflicts, inheritance conflicts, disputes over land use, reclaiming disposed land, invasions, among other forms. For instance, the historical conflict between Israel and Palestine, since 1948, where Israel feels entitled to the land occupied by Palestine especially in East Jerusalem, the Gaza Strip, West Bank, among other areas in contention (Reinhart, 2011). The land conflict has led to incessant violence and death of thousands of people, hence affecting security, peace and social cohesion among Israel and Palestinian communities. A similar situation happened between Iraq and Kuwait, which led to war in early 1990’s, over land-based resources like oil, where the conflict for oil wells between the two countries took the involvement of the international community to end it (Klare, 2002). Other well-known international conflicts related to natural resources with the base on the land include the
conflict between India and Pakistan over the state of Kashmir; Israel and Syria over Western Golan Heights; Korea and North Korea over Korean Peninsula; Russia and Ukraine over Crimean Peninsula which was occupied by Russia in 2014 and assessed by the UN to be part of Ukraine, among other global conflicts.

The Nagorno-Karabakh conflict (an ethnic and territorial conflict between Armenia and Azerbaijan), has been going on since 1988, which has now escalated, with serious violence against local communities. The contested areas are controlled by Artsakh (a self-declared state); however, the regions are internationally recognized to belong to Azerbaijan (Weise et al., 2020). The most indicting issue is that the majority of the population in the contested areas are Armenians, who have always wanted to be part of Armenia. The political overtone of this conflict make the local communities see each other with suspicion and hatred. Whereas right to property ownership is a universal human right protected by the Universal Declaration of Human Rights (UDHR, 1948), despite these rights being clearly stipulated in various national legislations, dispossession of people of their property has made some countries to deploy the military to defend these rights and to resolve territorial disputes (Huth and Allee, 2002).

In Brazil, in the State of Amazonas, one third of its land area has been illegally appropriated, leading to displacement of thousands of indigenous communities (Wehrmann, 2008). The locals in the Amazon, perceive any foreigner in the region as coming to invade their lands. While in Yemen, land is seen as the main cause that drives conflicts among communities. A survey by Thomson (2010) indicate that land makes up between 75 to 80 per cent of the root causes of conflicts in the country, where communities do not perceive each other as part of Yemen. He underlined land tenure systems as discriminatory backed by unfavourable land
laws. In Guatemala, where land was taken away by a communist regime in 1879, though successive governments have attempted to resolve the issue, conflicts that emanate from these historical injustices still persist; some communities are deprived of their lands, others displaced from their lands (Deininger, 2003). A study by Wehrmann (2008) revealed that out of 35 rural land conflicts, 37% had high levels of violence including murder, personal injury and damage to property; 28% were characterized by dispute, hate, assaults and intimidations; 18% were marked by low levels of violence such as mistrust, disagreements and lack of patience. Only 17% of all land conflicts profited from co-operative relations that were based on trust and patience.

Africa is known for frequent conflicts that no other world continent experiences; the cause of these conflicts, which threaten peaceful coexistence underlying among communities and security of the implied communities on the African continent are complex (Abdalla, 2010). As the case with the above mentioned countries, conflicts on the African continent are associated with the fight over land related resources. This is notable in regional conflicts between Ethiopia – Eritrea; Sudan and South Sudan over ownership of several states including Abyei; Ethiopia and Somalia over the Ogaden region; Kenya and Somalia over the boundaries of a maritime region along the Indian Ocean near Lamu County. There are also inter-ethnic conflicts over land itself resulting to loss of lives and displacement of people among communities, as well as erosion of peace, security, justice and equality in the society (Derman, et. al, 2007). One of such conflicts was experienced in Ethiopia where, in June 2006, more than 23,000 people were displaced from their homes in Southern Ethiopia, following clashes triggered by land ownership between disputes between Borenas and the Guhis. The trigger was when land belonging to Borenas was awarded by the government to Guhis, and more than 150 people were killed during the clashes (Wehrmann, 2008).
In Kenya, the situation is not different; it is one of the countries most affected by land related conflicts with ethnic bearing that has made many communities to live apart from each other. A study by Okowa (2015) indicate that land in Kenya is the most valued factor of production, with over 80% of the population relying on the only 20% available arable land for the practice of agriculture. Being majorly a land based economy, this has led to competition over land and its related resources; there are land related conflicts as a result of the scramble for the available land. The indicting thing is that such land conflicts have long colonial imprints; are considered to have started long way back in the colonial era and continue to persist in post-colonial Kenya. People are dispossessed, dislocated and displaced from their lands (Syagga, 2011). All this is attributed to bad colonial land policies and frameworks, and ethno-politics.

Land issues and politics of ethnicity are intertwined (Boone, 2002). Land related conflicts produce negative consequences for individuals as well as for the entire society. They affect co-existence among the populations of these nations, hence affecting security, peace and the quality of social relations among affected communities (UNDP, 2015), thereby lessening their positive contribution to individual and collective development (Delhey et al, 2018). Conflicts interfere with respect of individual and people’s collective freedoms and economic well-being, while undermining the value of social tolerance and diversity.

In the context of Rift Valley region in Kenya, the beneficiaries of land redistribution in post-colonial period were not the local natives, but the few economically and politically advantaged persons and their relatives, perceived to have originated from other regions of the country. They are considered by the native locals as invaders of their lands, thereby creating unease from the locals and consequently conflicts. This assertion is supported by the study by
Yamano, et al. (2010), which explain that conflicts are prevalent in regions where a high percentage of land is owned by immigrants and the indigenous community feels dispossessed of their land.

The native locals in Nakuru County are suspicious of those they consider ‘invaders’ of their ancestral lands. This has made Nakuru County, the epicenter of land-based conflicts in Kenya involving local communities, the Maasai and Kalenjin on the one hand, and non-local communities, mostly the Kikuyu and Kisii on the other hand, fueled land conflicts result to deaths, displacement of people from perceived communities and loss of properties, to the height of threatening a harmonious co-existence among communities in the area. As the volatile situation in the area depicts, the government has applied intervention mechanisms to address the land disputes in order to reduce tensions among communities as well as promote peaceful co-existence among communities, majorly through the enactment of the Constitution of Kenya (2010), which created the National Land Commission (NLC) to resolve land issues that appertains to the public land, the Environment and Land Court (ELC) to adjudicate land disputes, as well as the National Cohesion and Integration Commission (NCIC) to promote co-existence among communities and reduce cases of negative ethnicity and divisive politics, in addition to Commissions such as Truth Justice and Reconciliation Commission (TJRC) to address historical land injustices and promote reconciliation. This is in addition to the National Land Policy (2009), which gives guidelines on management of the land sector.

Though there have been the government’s structural and systemic efforts to address land issues, land entitlement has remained a major social issue that generates conflicts in the area. A study by Maina (2015) indicates that issues of land ownership, land tenure systems, failure by successive governments to resolve historical land injustices, and poor involvement of local
communities, are the main reasons land based conflicts have persisted in the region. The study sought to address the critical gap of how the conflicts become persistent yet there are efforts to address land issues and enhance social cohesion. Another gap identified is the involvement of local communities in seeking solutions to land problems that have divided local communities in Nakuru County.

1.2 Statement of the Problem

As explained in the preceding section, land as a means of socio-economic production is pictured to be the major source of social conflicts. In Nakuru County, non-local population comprises of 35% of the total population and the local indigenous community suspiciously feels that it is dispossessed of its land (Veit, 2011). This is perceived to generate frequent ethnic land conflicts that adversely erode the parameters of social cohesion. There is a growing mistrust among diverse communities living in the region with strong social mistrust to each other. There are also low levels of trust in local and government institutions that are to guarantee to ensure peace and security, which in essence pose challenges to community involvement in search for solutions to ethnic land related conflicts. The mistrust extends to government approaches, often perceived as attempts to impose and enforce social unity by suppressing diverse ethnic identities. The government’s combative approaches to solve ethnic land related conflicts have also prevented real cooperation and collaborative efforts in solving land related conflicts in the region (Yamano, et al, 2010). Other communities in the region strongly feel excluded from the political arrangements that can give the sense of security in the region. People who legally acquired land in the region are evicted from their private lands and do not receive any security for the land they own. These gaps add to a sense of alienation, frustration and disempowerment of those perceived to have come to invade and grab land
from the locals. If land related issues are not well addressed, this would only breed animosity, hatred, suspicion among individuals and members of different communities, leading to serious socio-cultural and political conflicts.

Conflicts generated from land undermine the fact that social cohesion plays an important role in peace and conflict management and as well as in the overall social development. It possesses economic, social, political and cultural components, which are measured by other several parameters, some of which include strong social relations, a feeling of connectedness, and orientation towards the common good and gives feelings of belonging to a social setup. Additionally, social cohesion extends horizontally within and across human groups, as well as vertically, from people to their leaders, at local and national levels of organization. These different frameworks provide comprehensive sets of indicators to accurately and concretely assess the strength of social bonds of communities and individuals. However, it is important to note that social cohesion does not aim at the homogenization of a society, but rather recognizes that social diversities contribute to a larger extent to the building of a self-assured and solid society. Socio-cultural diversities enrich individuals and communities and therefore should not be thought not to matter.

Thus, it is critical to address the issues of land ownership and emphasize the fact that social cohesion in the region can meaningfully be achieved within the context of cultural diversity; as poorly conceived in the region, cultural diversity should not be perceived as a threat to ethnic identities. A bottom-up approach to seeking solutions to land conflicts in the region is paramount in that the values linked to social cohesion (trust, respect, tolerance, solidarity, collaboration) are promoted at all levels of social organization (family, village and national).
so that they can more easily permeate to both horizontal and vertical levels of society. It is on this basis of the above gaps that the study embarks on investigating land conflicts and their implications on social cohesion in the region, which is, Nakuru County.

1.3 Justification of the Study

The study delved to research on the issue of land conflicts and find out how it affects co-existence among communities in the county, while seeking solutions to the problem for harmonious co-existence among communities in Nakuru County. Land, particularly to communities relying on land based economy is an indispensable resource and lacking it is equivalent to not having a livelihood. This dependence on land for both individual and community livelihood gives rise to bloody scramble among communities as to who should own it and who should not, which in essence affects social cohesion among communities and individual. The flipside of it all is that, there are lots of efforts by the government through documentation, policies, and commissions to deal with land related issues. There is Public Land Act, Community Land Act, etc. There is also the National Land Commission (NLC) as envisioned in the Kenyan Constitution; the Truth Justice and Reconciliation Commission (TJRC) mandated to examine, among other issues, illegal or irregular acquisition of land as well as the historical land injustices. All these institutions make proposals on how best to redress land issues; they are structural measures to solve land-related problems for a fruitful co-existence among communities. Despite these structural land reforms and legal frameworks by the government to resolve land related problems, land conflicts still remain a thorny issue that unfavorably affects social cohesion in Nakuru County; the problem of land conflicts still escalates each and every day, thereby dividing more communities in the region marked by animosity among communities over land entitlements.
A study by Oyugi (2000) states that social conflicts often degenerate into physical violence and displacement of communities as witnessed in 1992, 1997 and 2007 general elections and loss of individual and collective properties. Land conflicts in Nakuru seem to have a historical bearing as far as land acquisition, litigation and customary claims are concerned. The persistence of ethnic-based violence driven by land issues, despite the government’s attempts to address the problem, could be pointing towards the inadequacy of such attempts. This call for analysis to find out the dynamics and the root causes in order to propose possible solutions to address the problem. It is on this basis that the study embarks on investigating land conflicts and their implications on social cohesion in the region, which is, Nakuru County.

On the academic perspective, there is also a lot of literature on land conflicts but none that directly seeks to find out the implications of land conflicts on social cohesion. A gap that this study sought to address.

1.4 Purpose of the Study

The aim of this study is to examine land conflicts and their implications on social cohesion in Nakuru County. The findings of this study are deemed to be critical in pointing out gaps and possible solutions that the state and other actors can put in place to ensure that historical land injustices are addressed, ensuring that there are effective land tenure systems, secure land ownership and that there is efficient and timely resolutions to land disputes. All of which are geared towards strong social cohesion among communities in the region.
1.5 Research Objectives

The research objectives to the study are to:

i. Evaluate historical development of land disputes and their implications on social cohesion in Nakuru County.

ii. Examine the deployed land tenure systems and their implications on social cohesion in Nakuru County.

iii. Evaluate challenges and opportunities faced by the affected communities in acquiring secure land ownership in Nakuru County.

iv. Assess the efficiency of existing conflict resolution mechanisms in resolving land conflicts for social cohesion in Nakuru County.

1.6 Research Questions

The research questions to the study are:

i. How do historical land disputes affect social cohesion in Nakuru County?

ii. What are the implications of deployed land tenure systems on social cohesion in Nakuru County?

iii. What are the challenges and opportunities faced by the affected communities in acquiring secure land ownership in Nakuru County?

iv. How effective are the existing conflict resolution mechanisms in resolving land conflicts for social cohesion in Nakuru County?
1.7 Assumptions of the Study

The study makes the following assumptions:

i. Historical land disputes have negative implications on social cohesion.

ii. Effective Land Tenure systems provide stability in land matters, hence enhancing social cohesion.

iii. Challenges or impediments to in the attainment of secure land ownership negatively affect social cohesion.

iv. Effective resolution of land conflicts from both the government and community perspectives enhances social cohesion.

Additionally, the study was conducted on the assumptions that the issue of land related conflicts was adversely affecting the community and, therefore, the respondents had sufficient information on the matter and how it affects their social relations for a cohesive coexistence in the region. It was also the assumption of the study that the results obtained would be representative of other regions experiencing similar conflicts - based land economy and land ownership, and that the research instruments and tools will consistently measure what they are intended to quantify.

1.8 Delimitation of the Study

The study was confined to land conflicts for communities that have land – based economy that adversely affect social cohesion in Nakuru County and did not seek to look into other conflicts except where they border on land issue. In its attempt to address the study question, the research appropriated other sources that are only related to the subject of research.
1.9 Limitations of the Study

All studies do have challenges in the process of collecting data, analyzing it, writing and presentation. Though negative, they form an integral part of the study and always enrich it. In the context of this study, challenges made the researcher to ‘look outside the box’ in the endeavor to achieve the objective of the critical issue of this study and not to have a myopic consideration of this critical issue that affects the social lives of the communities. Some of the challenges encountered in the course of the study include:

i. Language barrier: The researcher experienced language barrier from some respondents, however, he used research assistants from the area as translators to overcome this challenge during the data collection stage.

ii. Rugged Terrain: Some area, especially in Kuresoi Sub-County, posed a challenge due to rugged terrain; however, the researcher made use of motor bikes to access respondents in those areas.

iii. Sensitivity of land matters: Land matters are sensitive in Nakuru County and research assistants were trained to handle the respondents on best approach methods, customer care and due caution. Residents in a few selected areas in Kuresoi and Keringet have had negative experiences from land speculators, land grabbers and frauds, who came in the name of doing research or providing funding or solutions to land matters, hence creating a problem to future researchers on land matters. To create confidence and overcome challenge, the research teams used guides from the office of the Chief while the research assistants were locals and were known in the area.
1.10 Significance of the Study

Land has been one of the underlying causes of conflicts resulting to negative effects on the economic, social and political realms of human development and existence. It affects co-existence and relations that exist among ethnic groups living together. This calls for an examination on the relations that exist between land-related conflicts and social cohesion among communities living within Nakuru County, which is one of the areas in Kenya most affected by the conflicts. The findings of this will be of importance in a number of ways:

Firstly, the study’s findings provide essential information to such stakeholders as the government, the general public, religious organizations, NGOs and international agencies on the emotive land issue and social cohesion in Nakuru County. It provides different perspectives of handling the issue under study.

Secondly, the study provides a guide to policy-makers, peace makers, relief and service providers in their quest to manage and formulate strategies to counter the negative impacts of land based conflicts and promote social cohesion. The findings form the basis within which to formulate mechanisms and recommendations by stakeholders that would be effective in resolving land related conflicts with the attempts to ensure that communities live in peace.

Thirdly, the research is likely to be significant in contributing to stability, peace and tranquillity if the recommendations emanating from this study are implemented by stakeholders, both at the local and national level. It may also result to healthy co-existence among members of different ethnic communities within the County and in Kenya as a whole, with positive impact on security, social, political and economic tenets of the country.
Fourthly, the results so obtained from this study, may provide useful data where other researchers can build on, who may be interested to research on land issues for community social development. The study fills in the gaps from other scholars on the area of land conflicts and social cohesion.

Lastly, possible research gaps emanating from the study may serve the interest of other scholars, hence forming the basis for further research on related issues on the subject. To that effect, the study recommended areas for further study to fill in the knowledge gap.

1.11 Operational Definitions of Key Terms

**Land Conflicts**: Forms of disputes over land boundaries, ownership, access, use, historical injustices and tenure systems. Presence of land conflicts affects coexistence among individual persons and communities, with attendant implications to social cohesion.

**Secure Land Ownership**: land with a guarantee of tenure security, is registered and is devoid of any encumbrances. Secure land ownership contributes to stability in land ownership and leads to less or no conflicts.

**Land Tenure Systems**: how land tenure systems such as private, public and communal provide necessary security and stability to land owned. When there is necessary security and stability, there is less or no conflicts.

**Land Tenure Security**: assurances of enjoyment of land rights and economic benefits from land without deprivation. The role of the state is to ensure land owners enjoy these rights
through legal and administrative frameworks. It contributes to stability in land ownership, leading to less or no conflicts.

**Land Dispute Resolution Mechanisms**: measures to resolve land disputes and include both formal mechanisms (such as ILC, NLC, among others) as well as informal mechanisms such as the Traditional Dispute Resolution Mechanisms (TDRMs) and Alternative Land Resolution Mechanisms (ADRM). When not effective in resolving land disputes, they contribute to perpetuation of conflicts.

**Social Cohesion**: the quality of coexistence as defined by elements of belonging to the community, inclusion in community affairs, participation, recognition, community involvement, community integration and economic empowerment. These elements constitute strong social cohesion and their absence leads to a weak social cohesion.
CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter provides an account of the literature reviewed and theories that provide a necessary theoretical framework to the research. The chapter starts by assessing theoretical framework under which the study is underpinned; then sections on Social Cohesion and its links to theories of Entitlement and Social Capital. Review of Literature is guided by the following sections: Historical Development of Land Conflicts in Kenya; Land Tenure Systems in Kenya; Acquisition of Secure Land Ownership; Land Dispute Resolution Mechanism; NCIC Framework; Public Participation and Land Conflicts; Conceptual Framework and the Conclusion. The review of literature seeks present the literature from authors on the area of study and identify the literature gaps which the study will seek to fill.

2.2 Theoretical Framework

This study was guided by two theories: The Entitlement Theory and the Social Capital Theory. Both theories inform the study on understanding and explaining the independent variable, which is land conflicts, and the dependent variable, which is social cohesion. The entitlement theory fundamentally is used to explain the concept of land ownership and acquisition and the context in which it is used and understood in this study, as well as its limitations. Social Capital theory, on the other hand, explains the dependent variable of social cohesion as it attempts to involve the affected communities for a community – based solution to the study problem. The two theories were chosen to explain the independent variable, which is land conflicts, and dependent variable, which is social cohesion. Entitlement theory explained the independent variable, while Social Capital theory explained the dependent
variable, however, both theories complement each other since, the limitation of one is covered by the other.

### 2.2.1 Theory of Entitlement

The theory of entitlement was developed in 1974 by Robert Nozick, an American scholar (Nozick, 1974). The theory is anchored on his understanding of rights to property ownership, lawful acquisition, and transfer or disposal of property, grounded on the principle of justice and equality. Nozick (1974) states that that distribution of property is just if everyone involved is entitled to the property they possess. Under this understanding, distribution and entitlement to property are not a privilege, rather, a form of distributive justice. His theory is based on three main principles:

A principle of justice in acquisition: This principle deals with the initial acquisition of property. It is an account of how people first come to own property not previously owned, natural world property, what type of properties can be possessed and the manner in which they can be owned.

A principle of justice in transfer: This principle explains how a person can acquire property from another person, including voluntary exchange, in what is referred to as willing buyer – willing- seller principle, as well as exchange or transference of gifts or inheritance.

A principle of rectification of injustice: This principle explains means of dealing with properties that are unjustly acquired or transferred, compensation for those people who have been deprived of their properties through injustices, as well as through government acquisition for general public use, how to deal with past transgressions or injustices done by a government, and so on.
According to Nozick (1974), a just acquisition of property implies lawful ownership of the same property and the person who justly acquires property can subsequently transfer the property to someone else who becomes a lawful owner of the transferred property. Justice in acquisition of property, and in this study the acquisition of land implies entitlement of the same property and the authority to transfer it to someone else as willed by the owner. In relation to the third tenet of the theory, persons who incur loss of property they justly and lawfully acquired as a result of unjust and insincere transactions have the right to be compensated for the lost property.

The three tenets of the theory informed the reflection on a rational transaction of land as property for peaceful and cohesive relationships with those in the transaction process. Their application ensures that inequalities are unacceptable and that any injustice to the one who owns a property by necessity implies a painful compensation. Any violation of these tenets results into conflicts between parties involved in the transaction of the deal, even though both parties are supposed to abide by the rules of the transaction. There could be also cases where members of the community defraud others thereby eroding community relationships.

Entitlement or ownership to land as lawfully understood in Kenya is that everyone has a right and privileges to land ownership under the principles of property ownership and justice. However, there have been numerous cases reported where families have been dispossessed of their land through corruption and violence. For instance, the Ndung’u Land Commission Report (2004), identified numerous cases of illegally and irregularly acquired public land. The mode of resolution of such land disputes to ensure justice, has always taken the court litigation process, which has continually led to resettlement of those who either unjustly lost
their land or to those who have unjustly repossessed their land. Court litigation process profoundly tends to undermine community participation in conflict resolution cases, consequently affecting peaceful coexistence.

People who lost their land, mostly during colonial and post-colonial period, believe that they are entitled to the land which was taken away from their community unjustly and redistributed or sold out to members of other communities in post-colonial era. The case of land entitlement and related conflicts, come as a result of undermining the above laid down principles by Nozick; people are sometimes forcibly evicted from their lawfully acquired lands and properties, while excluding others on the basis of ethnic interests of those who own the land as property. Nozick seems to have been influenced by Immanuel Kant’s deontological morality in the maxim of treating humans as a means to acquire material wealth, while undermining their dignity. In Kantian thought, people should be treated as and in themselves and not merely as a means to some other end (Johnson, 2004). This appears not to be the issue in land entitlement and related violence in Rift Valley. Those who justly acquired their land and are therefore entitled to own it, are inconsiderably evicted with less or no compensation, thereby losing their livelihood where their dignity is built upon. Such actions, in Kantian ethics, cannot be considered acting rightly and justly. Nozick thinks that the tenets of his theory are the only ways under which one acquires what he or she is entitled to own.

Most legal and policy frameworks globally have used these principles in administration of justice. It is agreeable that these principles form the basis within which property rights are enshrined and which ought to guide distribution. However, Nozick’s theory has limitations such that it forms a basis for creation of a strong and inconsiderate system of private property
within the framework of free – market economy, which enhances exploitation of those who do not have the means of production (capital). The theory tends to exclude collective or society sentiments and participation in the process of acquiring property, either in its buying and selling form. In communities where land is a community property, including the individually owned land, which is considered community owned land leased to individuals, this theory raises serious concerns of which when they are undermined, in land entitlement, can cause the community to use all available means, including violence, to repossess their land. The theory deeply leaves out the issue of social cohesion and parameters like strong social relations, feeling of connectedness and orientation towards the common good. Additionally, social cohesion extends horizontally within and across human groups, as well as vertically, from people to their leaders, at local and national levels of organization. These parameters provide comprehensive sets of indicators to accurately and concretely assess the strength of social bonds of communities and individuals.

Further, the issue of equality raised by Noxick is not tenable. In most cases those who buy land from local communities since they have the capital (money), cannot be claimed to have equal socio-economic footing with those who sell it to them. This idea of social and economic equality is not factible in societies where there is imbalance in economic level of assessment and consideration and worse, in a society where the dynamics of the community, where the class conflict issues are not on the basis of established rules and social principles, that are meant to enhance social cohesion, rather mistakenly, on the basis of tribe dominance. The lapses in this theory led to the study to opt for Social Capital Theory to complement it.
Despite these shortcomings in the Entitlement Theory, the theory remained critical in this study since the principles that underpin the theory are applicable in ensuring secure land ownership, which offers security of land owned, thereby reducing possibilities of land conflicts. The principle of rectification can be used to find solutions to historical land injustices and resolution of land disputes. This is indirectly conceived to ensure there is little or no land conflicts, leading to the achievement of the parameters of social cohesion.

2.2.2 Social Capital Theory

The Social Capital Theory is a tool to assess and understand the relationship between social networks and collective action among people (Claridge, 2018) for a participatory and inclusive society. According to Ferragina, (2010), the usage of social capital as a theory can be attributed to Alexis de Tocqueville in 1890 and John Dewey in 1899, who strongly used the term in their works. The theory explains relational levels in society. Tocqueville, observing the American lifestyle of engagements in social discussion in public places on topical issues, noted the critical place of social bonding for social cohesion, while Dewey, in explaining the relevance of the theory, observed the economic and social changes in the society was moving towards a more egocentric society, thereby affecting social relations.

In the contemporary period, Bourdieu (1984), Coleman (1988), Putnam (2000, 2006) and Woolcock (1998), are considered the proponents of the theory as it is understood today. They have given the theory a practical social connotation or implications. According to these thinkers, the theory is pegged on the following tenets:

Society’s collective purpose: These are collective relations between individuals, social networks founded on the norms of reciprocity and honesty within the community to achieve a
society’s collective purpose, where everybody is connected to the value systems of that particular society.

The bonding and bridging of members in the society: bonding is all about the value assigned to social systems that enhance fruitful relations between homogeneous groups (intra-community) while bridging refers to inter-community relations as they reach out to each other in spite of their given diversities that sometimes could be conflicting in heterogeneous groups. Bonding and bridging for social cohesion are mutually complementing elements of the social capital theory as they attempt to enhance relations in the society.

Community diversity: in social capital theory, social diversity is not a negative concept; if well channelled, diversity enriches the wellbeing of the society; it brings people’s diverse talents, experiences, and specialties for the benefit of the society. Davis (2014) argues that people’s differences in a society are networked, thereby allowing them to co-operate. He gives an example of division of labour where people have different roles in a group, and it is the connection between these roles that enable them to trust one another, cooperate and achieve their goals.

Therefore, social capital is grounded on the elements of: a) amalgamation of both individual and collective abilities, which represent strong ties within the community that result from community interactions; b) connections and networks within the society sphere which encompass intercommunity and intergroup ties, which are bound by a particular goal but driven by the common good of the society; c) structural social integrity which results from the asymmetrical relationships between individual and collective efforts in society d) Concerted
efforts brought about by co-operation among individuals and communities to yield a great common good for the benefit of all in the community.

Colletta and Cullen (2000) argue that these elements present a comprehensive framework that describes the interrelations within the society for a positive cohesive existence. Sanginga, Kamugisha and Andrienne, (2007) state that these tenets of social capital theory facilitate coordination and cooperation among members of society for mutual and collective action, which is a significant asset upon which people rely on to manage their nature-given human resources and resolve social conflicts. Additionally, Martikke (2017) argues that there is no consensus about an individual’s benefit from social capital, whether it is for individual or public good and whether it transcends the existing social order and how it can be evidenced.

In the context of this research, the social capital theory offers the basis under which to conceptualize social cohesion parameters left out by the entitlement theory amidst the conflicts associated to land as a resource and other land related resources. The theory is apt in emphasizing strong social relations, connectedness among members, trust, inclusivity, diversity, orientation towards the common good and gives feelings of belonging to a socio-cultural setup. These parameters ensure that social diversities contribute to a larger extent to the building of a self-assured and solid society. Additionally, the theory addresses the fact that social cohesion extends horizontally within and across human groups, as well as vertically, from people to their leaders, at local and national levels of organization. These different frameworks provide comprehensive sets of indicators to accurately and concretely assess the strength of social bonds of communities and individuals. Basically, the theory takes into account the process for looking for community based solutions to problems that tend to divide communities existing in the area. This is fundamentally important because a meaningful social
cohesion has to take into account the value of human resource, which is the foundation of social development. The theory is used in this study to explain the dependent variable, that is, social cohesion in terms of its elements of sense of belonging, inclusion in societal activities; participation in the affairs of the society; recognition of diversities; community involvement and integration. These variables postulate a society that is cohesive, peaceful, secure and networked for a common good, and any presence of conflicts becomes a disruption.

However, the misgiving of the theory in relation to this study is that it does not give much emphasis on an individual person as the elementary unit of society, but rather, it underscores the importance of societal and collective integration, community networks, bonding and bridging, among others. The individual member and his/her situation is assumed or taken for granted in the collective interest. The implications are that individuals benefit from the collective networks, yet social capital does not emphasize on what the individual directly benefits from his invested efforts to benefit the collective society for social development. However, this gap is catered for in the first theory on entitlement and also in the understanding that social capital is the basis for social cohesion, which focuses on quality of relations among individuals, the society and the institutions that offer services to them.

2.3 Relationship between Social Capital and Social Cohesion

In order to better understand conflicts brought about by the land issues, the connection between social capital and social cohesion is critical. According to Berkman and Kawachi, (2000), social capital is a basis for social cohesion since it is meant to build a society free from all forms of its goals. It embodies the absence of latent conflict in the society, notwithstanding indicators such as poverty, inequalities, lack of access, participation, among
other factors. The theory also exemplifies the presence of strong social bonds which are measured by levels of trust and norms of reciprocity among society members. Bonds of social nature seriously take into consideration any element that can lead to social divisions by emphasizing the presence and role of institutions of conflict management, such as, community based institutions that give a considerable emphasis to people’s participation, without undermining judicial processes. In social capital and entitlement theories, the independence of the media to air out the reality of communities is considered paramount in the search for public participation and other productive measures for social coexistence. Social capital gives the affected communities and individuals the human basis through which land conflict features that take into account the place and dignity of the human person alluded to in the entitlement theory for a united coexisting communities.

These assertions are summarized by OECD (2001), which explains the success of society on the basis of the combination of social capital with the shared norms and values in the entitlement theory. Both facilitate cooperation amongst social groups, which is a critical factor that contributes to social cohesion for a progressive society. This is recapped by Cloete (2014), who affirms that the connection between social cohesion and social capital is positive outcome of social relations in heterogeneous communities and intends to capitalize on social capital formation. This view is buttressed by Oxoby (2009) who sees social cohesion as a characteristic of a community that is dependent on accumulated social capital. Social cohesion is therefore possible where there is social capital, based upon individual and collective entitlement for ownership and as such, social capital is prerequisite for social cohesion.
2.4 Dimensions of Social Cohesion in the Entitlement and Social Capital Theories

Most of the frameworks for social cohesion discussed by scholars and institutions emanate from the works by Emile Durkheim, an 18\textsuperscript{th} Century scholar who is considered the first to use social cohesion as a concept as indicated by (Berman, 2003). According to Berman, Durkheim understood social cohesion as the inter-dependence among members of different communities within the society, shared loyalties and solidarity. Berman (2003) elaborates Durkheim’s definition by stating that cohesiveness in a society is dependent on shared loyalties which citizens owe to each other and ultimately to the state, because ties of inter-dependency bound them. They, therefore, consider social cohesion as an ordering feature of society. Jenson (1998), having been influenced by Durkheim, narrowed herself to five key components which are generally considered to characterise cohesive societies and in the context of this study, what will bring together the diverse groups of people in Nakuru county. The five components and their opposites, which are critical in this study include:

Belonging and Isolation: In Jenson (1998) thinking, belonging is the extent to which members of a given community experience or express a sense of connection to the society or the nation and feel pride in it. According to Jenson, belonging is measured in terms of one strongly identifies with a particular social groups such as religious, ethnic, cultural and other national identifications. For communities in the Rift Valley, land ownership is a primary fact that gives them this sense of belonging and are able to put their efforts to identify themselves in the region and work for the development of their region regardless of their place of origin. Once this is addressed, the people who have bought land in the region may not feel isolated or neglected, but rather are considered constitutive members of the region, of which without them, the region will be losing an important part of its being.
Inclusion and Exclusion: As pointed out in the entitlement theory, inclusion is the extent to which people have access to resources such as land, homes, education in the society in an equal and proportionate manner. This provides opportunities for individuals to maximize their abilities for the benefit of society in which they are part of, thereby lessening chances of violence that may arise as a result of social exclusion. Social exclusion characterizes violence, resentment and injustice to those affected, which are witnessed when members of society are not entitled to any property (Oxoby, 2009). This, in essence, disadvantages them in positively contributing towards social, economic, cultural and political development of their society.

Participation and Non-Involvement: Participation is active engagement in the structural adjustments and the systems of a society. In participation, members are able to take part in decision-making processes that benefit the entire community. Members, regardless of their ethnic affiliation, are able to be part of the solution to problems affecting their community. This is important in the area of this study since it is a multi-cultural region where all ethnic groups ought to participate in their own processes of social lives for a more cohesive and solid community. However, it is important to note that participation requires entitlement or ownership of what they participate to defend or promote. Lack of participation encourages concealment of important matters to other members of a given society. In equal participation issues are discussed and resolved in the open. When there is no involvement, there is discord and segregation or division in the community

Recognition and Rejection: Recognition addresses the issue of respect and tolerance; it encourages accommodating differences and opinions of others in a pluralist society. It celebrates diversities by recognizing it as an important aspect of any vibrant society. This
aspect recaps the basic tenets of social capital theory discussed earlier, which discourages rejection and intolerance towards other members of society. Rejection, on the other hand, results when these positive tenets of the society are not recognized in the community. Rejection leads to people feeling ostracized from the society in which they are members.

Legitimacy and Illegitimacy: Legitimacy, in Jenson’s view is about the legal recognition and respect to the institutions (the police, local administration, local authorities) that have been lawfully put in place to act as mediators when conflicts arise in society. Legitimacy gives those institutions a legal authority to deal with social issues in an unbiased manner, that is, be objective in resolving disputes. Legitimacy also gives conflicting parties security of property ownership including land and public confidence. This is important in litigation process in the attempt to resolve land related conflicts. When legitimacy fails, the parties tend to take the law unto their own hands, thereby violating the principle of justice and human rights, which eventually leads to illegitimacy and disrespect to institutions charged with the responsibility of bringing people in society together (Jenson, 1998). Figure 2.1 indicates a summary of Jenson’s dimensions of social cohesion:
The dimensions of social cohesion by Jenson has been applied in this study to assess social cohesion in Nakuru County as influenced by land conflicts. It informed the Likert Scale and comparative analysis of the data used in this study.

2.5 Study Parameters on Social Cohesion

Social cohesion plays an important role in peace and conflict management and as well as in the overall social development. As Delhey et. al. (2018) reveals, social cohesion possesses economic, social, political and cultural components, which are measured by other several parameters, some of which include strong social relations, a feeling of connectedness, and
orientation towards the common good and gives feelings of belonging to a social setup. Additionally, social cohesion extends horizontally within and across human groups, as well as vertically, from people to their leaders, at local and national levels of organization. These different frameworks provide comprehensive sets of indicators to accurately and concretely assess the strength of social bonds of communities and individuals. However, it is important to note that social cohesion does not aim at the homogenization of a society, but rather recognizes that social diversities contribute to a larger extent to the building of a self-assured and solid society. Socio-cultural diversities enrich individuals and communities and therefore should not be thought not to matter (Cloete, 2014).

However, in Nakuru County, because of frequent ethnic land conflicts the parameters of social cohesion have been adversely affected or eroded (NCIC, 2008). There is mistrust among diverse communities living in the region with strong social mistrust to each other. There are also low levels of trust in local and government institutions that are to guarantee to ensure peace and security, which in essence pose challenges to community involvement in search for solutions to ethnic land related conflicts. The mistrust extends to government approaches, often perceived as attempts to impose and enforce social unity by suppressing diverse ethnic identities. The government’s combative approaches to solve ethnic land related conflicts have also prevented real cooperation and collaborative efforts in solving land related conflicts in the region. Other communities in the region strongly feel excluded from the political arrangements that can give the sense of security in the region. These gaps add to a sense of alienation, frustration and disempowerment of those perceived to have come to invade and grab land from the locals. Thus, it is critical to emphasize that social cohesion in the region can meaningfully be achieved within the context of cultural diversity; cultural diversity should
not be perceived as a threat to ethnic identities. A bottom-up approach to seeking solutions to land conflicts in the region is paramount in that the values linked to social cohesion (trust, respect, tolerance, solidarity, collaboration) are promoted at all levels of social organization (family, village and national) so that they can more easily permeate to both horizontal and vertical levels of society.

2.6 Historical Development of Land Conflicts in Kenya

2.6.1 Pre-Colonial Period

Land is a critically emotional issue in Kenya since time immemorial. Prior to the 1895 declaration of Kenya as a British Protectorate, communities in Kenya occupied portions of land where they lived and used it for cultivation, pastoralism, or for hunting and gathering (Wayumba, 2015). They practiced these primordial economic activities on swaths of land which they owned communally and as such, their land laws were guided by customary laws and practices. This is underscored by Githinji, (2017) who argues that in pre-colonial period, the movement of communities within their territories defined land acquisition, ownership and use. This customary land management helped to bring people and communities together since it catered for any combative approaches to land use and ownership. Land and its resources were perceived as a communal property which belonged to a collective family lineage, clan and its members, thus lessening mistrust and exclusion of members of society or community.

Kanga (2019) argues that land in Kenya during pre-colonial period was communal and largely based on unwritten laws, which were verbally passed down from generations to generations. According to him, Chiefs and elders, who acted as a political entity of the community, allocated
rights of access and use of land to individuals, however, individual ownership right to dispose of land could not be possible, moreover, land was not perceived as a tool or goods of trade for economic goals.

The need for more land was achieved by expanding into unoccupied areas, with some communities conquering others in order to occupy their land. Given the availability of land, those who had been conquered would still move to another unoccupied place for settlement and pasture for their livestock. Among the pastoral communities, nomadism was common since the pastoralists would move freely to new grazing lands and would still return to the old grazing field when the grass had grown. The same is echoed by Wayumba (2015) who explains that it was easy to acquire land in the pre-colonial era because of low population at that time, land size was big and land related disputes were simple and easy to manage. Ndege (2009) expresses similar views arguing that ethnic boundaries among Kenyan communities in pre-colonial time were fluid and that interactions among these communities were facilitated by trade, intermarriages and mutuality. But he differed from the rest in that he argued that histories settlement of and migrations consisted of tribal invasions which weakened the social fabric of communities. However, this was mended through mechanisms (like local community meetings, which climaxed in eating together as a sign of reconciliation) which brought conflicting societies together. This enabled community to amicably coexist.

The notable fact is that customary land tenure was largely devoid of inter-ethnic land conflicts. When there were conflicts, they were amicably resolved by community elders from conflicting sides, culminating with goat taking and a common meal, which ensured a commitment for peace and coexistence among them.
2.6.2 Colonial Period

The Colonial period, which was between 1895 and 1963, offered a very critical moment in Kenyan history as far as land issues are concerned. As Veit (2011) reveals, it was at this time that policies, legislations and decisions, which have had a lot of ramifications on the land sector to date, were enacted. Kimaiyo (2004) state that from the British declared Kenya their Protectorate in 1895, land ownership laws applied by the British meant that indigenous communities forcefully lost land. All land that had been acquired by the colonial regime under the Land Acquisition Act of 1894 was called Crown Land. Many people lost their cultural land due to land policies enforced by the colonial administration (Lee, 2017). In South Africa, legal dualism affected land ownership, with colonialists dominating productive areas while black Africans were confined to low productive areas (AU-ECA, AfDB (2010). The relationship between the two races remained sour to date even after the blacks took political power as evidenced by the continued attacks of white settlers in their farms.

The concerns raised above were reiterated by Kimaiyo (2004) who reveals that immediately Kenya became a British territory, the Crown (colonial administrators) asserted its authority over its new territory and declared that it was the proprietor of all the land within the territory of Kenya living the black Kenyans without land that they traditionally owned. Land rights at that time were defined through the Crown Lands Ordinance of 1902, where settlers enjoyed a 99-year lease, hence replacing the Ordinance of 1897 that provided for a 21-year Lease. As an inducement to farm in Kenya, 160 acres were given for free to each white settler who was interested in crop production and livestock rearing. The Ordinance of 1902 also empowered
the Commissioner of the Protectorate to identify and sell land to Europeans who expressed desire to farm without due considerations to prevalent customary tenure systems at the time.

According to Veit (2011), in 1902, the colonial government allocated East African Syndicate, a private organ, 1,300Km$^2$ of land in the Rift Valley highlands and some parts of Central Kenya to promote settlement of settlers interested in establishing farms for agricultural production for export. These areas were part of the arable and fertile land in Kenya and attracted white settlers engaged in large-scale agriculture for export. Veit (2011) adds that as a motivation, settlers who had invested in more than 1,000 British pounds were entitled to 1,000 acres, that is, about 4Km$^2$ for free and many settlers established coffee plantations in areas such as Thika, large-scale tea plantations in areas of Kericho and Limuru. Critically, as Kimaiyo (2004) states, white settlers’ land, which had been taken away from the local communities, and which had been given leases for 99 years, was changed to 999 years to ensure absolute ownership of the White Highlands. Due to this, and as Syagga (2013) states, by 1914, Kenyan communities had lost more than 5 million acres of land to the colonial regime and by the time of independence in 1963, they had lost about 7.5 million acres of land, equivalent to half of the agricultural land in Kenya. But, then, this implied that majority of the Kenyan people were displaced from their original home lands and forced to live as quarters in settlement camps, exposing them to social vices like hatred, competition for small available land, et cetera.

This dispossession of land was done through policy and legal frameworks that were dictated from London. A study by Wayumba (2015) reveals that in 1915, the colonial regime amended the Crown Lands Ordinance, thereby facilitating more the dispossession of land that originally
belonged to the indigenous communities. He further reveals that it was during this time that some areas in Mau Forest were categorized as Crown Lands which were opened to distribution white settlers interested in farming. In effect, forested areas such as Olenguruone, were allocated to white settlers, thus evicting local communities such as the Kipsigis and the Ogiek, who depended on the forest for hunting, gathering and farming. According to Viet (2011), in early 1930’s, there were about 30,000 white settlers who had a control of about a third of the arable land in Kenya. Power to land ownership was practiced among the Whites while the rights of Kenyans continued to be suppressed at will.

The most critical issue disclosed by Veit (2011) is that during colonial period, almost every ethnic group in the Kenya lost land, however, those communities which occupied arable land, lost more than others. Home (2012) states, the rights of Africans were not a priority for colonial administrators and that despite the 1923 Devonshire Declaration, which emphasized on African interests. This enhanced by the recommendations of the Kenya Land Commission of 1934, whereby through implementing it, Africans were evicted from the White Highlands. Syagga (2011) further reveals that the boundaries for the reserves for Africans were fixed by the Carter Commission of 1932, hence retaining large pieces of land for the colonial administration, thereby alienating Africans from their indigenous lands and from any source of economic production. Syagga’s argument is supported by Koissaba (2015), who revealed that the amendment to the Crown Lands Ordinance (1938) legalized the policy of dual settlement of Europeans in the Highlands and Africans in the Native Reserves. According to this policy, Africans lost land outside the Reserves and any claims that they had. Native Lands Trust Boards were created to ‘protect’ the interests of Africans in the Reserves and customary laws were permitted to apply in these areas. By the time of independence, as Syagga (2011)
reveals, an estimated 3,600 farms of between 400 and over 800 acres had been occupied by the European settlers. This, for him, constituting more than 21,000Km$^2$ of total area of Kenya or an equivalent of 6% cent of Kenya’s land. Thus, 3,600 European settlers and their families occupied about 20% of Kenya’s arable land, while six million Africans occupied the rest of the area. Syagga’s argument is buttressed by Ndege, (2017), who states that colonial land injustices alienated Africans from their lands, kinsmen and community and forced them into reserves that were overcrowded due to the high number that were bundled into these reserves, rendering occupation in those areas deplorable.

The most painful fact in all this is that, Kenyans were forced to work in White plantations, while making them squatters in their own land. The social and political implications of this was that the colonial government created villages and Native Reserves for Africans and White Highlands for the Europeans with fixed boundaries that separated the races (Syagga, 2011). Their customary rights to land ownership had been violated. This misappropriation of land from indigenous communities through changing colonial land policies led to shortage of land, dislocation of communities, landlessness and discontentment among the local inhabitants. Such colonial arrangements segregated the local disadvantaged Kenyans.

The removal of natives from their ancestral land to pave way for European settlement emboldened Africans in the struggle to have an independent country (Koissaba, 2015). This claim is illustrated by Wakhungu, Huggins and Nyukuri (2008) who give a picture of the struggle by the Kikuyu community in their struggle against the British for taking away their land. They elucidate that in 1921, Harry Thuku founded the Young Kikuyu Association (YKA), which is considered the first organized political group to fight for the recovery of land
lost in Central Kenya. YKA called for protests over land and other new taxes, reduction of daily wages for labourers and dispossession of land by settlers.

The party’s agenda and its activities rendered the colonial administrators to suppress it in 1925, however, members immediately formed the Kikuyu Central Association (KCA) which gained higher prominence in 1928 when Jomo Kenyatta became its Secretary and the editor of its newspaper, *Muigwithania*, (unifier), which constantly called for unity among the Kikuyu natives in agitating for land rights and return of land taken away from them. As Wakhungu, *et. al* (2008) reveal, in 1930s, Kenyatta used peaceful means to campaign for land and education rights, respect for indigenous cultural practices as well as as African representation in the Legislative Council (LEGCO). The three scholars add that Thuku founded the Kenya African Study Union (KASU) in 1944 which was transformed to Kenya African Union (KAU) in 1946, a party which was known for advocacy of access to settler’s land by Africans.

The agitation for land rights increased such that in 1952, a group referred to as *Mau Mau*, comprising of the Kikuyu, Embu and Meru ethnic groups, organized uprisings against the oppression by colonial regime. The revolts principally fought for return of land taken away from them and agitation for an independent country (Wakhungu, *et al*, 2008). All over, locals staged revolts against the British for taking away their land and rights (Oyugi, 2000).

The colonial administration had a lot of repercussions on land administration in Kenya and as Syagga (2013) reveals, the rulers contributed to suppression of land rights by land policies and legal frameworks that favoured them against the local owners. First, the administration created dual land tenure systems on the basis of the principles of English property law, which
applied at high potential areas which for the settlers which largely neglected the customary property law as practised in the marginal areas where many Africans were confined (Ojienda, 2010). Secondly, the colonial administration formulated land distribution model which was characterized by large scale production in high potential areas inhabited by settlers, and sparse low scale holdings for inhabited by African populations in marginal areas. Third, the colonial land policy facilitated economic development of high potential areas like the white islands of Nakuru, Molo, Naivasha, Kericho, Trans Nzoia, among others, while neglecting marginal areas like Kajiado, Western and Northern regions of Kenya, as indicated by Syagga (2013) and Koisaba, (2015). It was a radical social marginalization and infringement of rights of certain communities by the colonial administration and later on by Kenyan political elites who inherited colonial land after independence.

The critical issue is that the contravention of land rights by the colonial rulers went against the theory of entitlement enucleating this study. This in essence further became the root cause of land related conflicts witnessed in Kenya. The literature has shown that land issues in Kenya, which led to dislocations, evictions, dispossession and ultimately loss of land by locals to the colonialists were majorly historical with a strong political undertone. However, the literature failed to show how the historical and political factors directly impacted coexistence and social cohesion among affected communities, a gap which this study seeks to address.

2.6.3 Transition to Independence Period

The revolt by the communities over land and political rights, as well as the global wave of independence, gave Kenya the prospects of being independent and owner of its own land related resources. Veit (2011) reveals that in 1960, British government convened a meeting at
Lancaster House in London, where Kenyan selected leaders were involved in negotiations aimed at a new constitution as a step towards independence. According to Kariuki (2015), Lancaster and Nairobi meetings, were geared towards a new constitutional regime, through negotiation, between the British rulers and Kenyan leaders. At the end of these negotiations, a new constitution was drafted with high expectation of resolving white occupation of Kenyan territories, which divided the local communities and negatively affected their social coexistence.

During the negotiations for independence, with the Bill of Rights being the most contentious issue since it contained the issue of land (Veit, 2011). The contention was that Kenyans wanted land reforms and resettlement, while the settlers wanted the rights for their acquired lands protected. This was where the issue of private ownership became emphasized. The settlers’ stand on land issue was informed by fear of reasserting land redistribution goals by Kenya’s landless population as propagated by the Mau Mau movement, which led to the fight for independence and repossessing of land by the locals (Oyugi, 2000). In order to protect the Europeans, efforts were put to ensure that repossession of private property could only be for public use, hence undermining the local communities’ resolve to own land. The fight for independence and the repossession of their lands brought Kenyan local populations together. Despite their ethnic and cultural diversities, it helped them feel one united people with the common goal to liberate themselves from the yoke of the colonial administration.

Immediately after the attainment of self-rule, where land went to the Kenyan government, the British land owners demanded economic compensation for it (Veit, 2011). But, since not everybody was economically able, the British pushed for a machinated transitional model of a
willing-buyer-willing-seller that favoured the rich elite class of Kenyans (Kariuki, 2015). This model betrayed the social unity Kenyans had in the advent of independence, instead the model created class conflicts among the Kenyan population, the conflicts between the rich elite who had the economic power to purchase land and the majority of the poor population. However, the model was vehemently opposed by majority of Kenyans, who argued that there is no justification for purchasing land that originally belonged to them While others, mostly the elite, fully adopted this model because it was favourable to them (Syagga, 2011).

It is critical to note that land laws in themselves did not cause conflicts, rather, their implementation that led to loss of land by local communities, and failure to return the land to them after colonialism, created conflicts. Politics brought about land consciousness on land rights that led for agitation for reclamation of lost land. Corruption was also a trigger to land conflicts since many of the Kenyan elite used it to acquire land from the departing settlers at the expense of the landless owners. They used such means as bribes, forgeries, among other corrupt means, to be allocated land. As a consequent of this model, which left majority of local population landless, in the early 1960s, there was resettlement efforts through the ‘One Million Acre Scheme’ (Syagga, 2011).

The effort was meant to defuse tensions among Kenyans over land, while ensuring that the colonial land-holding structure was maintained without its radical redistribution to Kenyans. This was recapped by Wayumba (2015) who stated that the reason the colonial powers agreed to negotiate on land issue was to ensure that there were transfer arrangements in place on the agreement that the agricultural-based settler economy would remain and that the final outcome of the negotiations would ensure a smooth redistribution process. Accordingly, the
settlers would ensure that land owned by departing colonizers was left to a small number of meticulously selected farmers and African elite. But as Boone (2012) argues, the One Million Acre Scheme was meant to accommodate more than 35,000 poor landless African families. Subsequently, exiting colonial government negotiated with the settlers to purchase more than 1.2 million acres of land at a cost of 25 Million British Pounds which enabled many settlers to sell their land and left before independence (Syagga (2013). As Kariuki (2015) states, majority of the settlers received a good before Kenya got independence in 1963.

As presented by the authors reviewed in this section, transition to independence is important because it is at this time when expectations among the masses who had lost land was high. On the other hand, the Kenyan elite, who negotiated for the Constitution at Lancaster and Nairobi, influenced by self-interests, sided with the settlers in the model of compensation for land, thus failing to meet the expectations of Kenyans who expected to get their land back. However, the scholars did not indicate how the subsequent conflicts affected cohesion in the affected area, which this study seeks to find out.

2.6.4 Post-Independent Period

The nostalgia of the Kenyan local population was that independence could give them an opportunity to regain their lost land under the new political dispensation of self-rule (Syagga, 2013). However, majority were perturbed by what followed in the Kenyan Constitution (1963), where land formerly belonging to the British Crown was to be administered by the President of Kenya on behalf of the Government, while majority wished that it would be returned to their communities (Koissaba, 2015). Koissaba further indicates that there were considerable policy developments geared towards addressing the land issue after
independence, however, in practice, not much changed in management of land and land related issues. Instead, land owned by the settlers was taken up by elite political class (Ichuloi, 2018). Accordingly, the new regime in post independent Kenya maintained the colonial land tenure systems, with the focus on the statutory tenure and the communal tenure being at the periphery. This argument is further critically noted by Oyugi (2000) who explained that in post–independent Kenya, the maintenance of ethno-territorial administrative units and the unaccountable powers of the executive arm of government over land, were well calculated by the ruling elite to maintain the status quo on land matters for their own benefit.

Koissaba (2015) succinctly stated that the Kenyatta administration maintained the system of Freehold Land Titles, notwithstanding how the land was acquired and how the affected communities felt about their lost land. Veit (2011) adds to this argument by stating that much of the colonial-era Crown Land became public land after independence, while the Native Reserves became Trust Land, were still governed by Local Government authorities, Commissioner of Lands and Trust Boards. According to him, Settlement Fund Trustees (SFT) were established by the government with an aim of facilitating the acquisition and further distribution of former settlers’ land to landless Kenyans.

Kimaiyo (2015) argues that Kenyans who bought such land were perceived to be ‘outsiders’ such that, by 1977, close to 95% of the former White Highlands had been bought by Kenyans, with majority of Kenyans being the communities residing in Central Kenya, which comprised about 30% of the entire Kenyan population, however, those who benefited were mostly the ruling elite and their families. Kimaiyo further reveals that the new regime sustained efforts to establish settlement schemes during this period, such that, between 1969 and the 1990, several
settlement schemes had been established in Nakuru County which includes Ndabibi, Kongasis, Ngata, Elementaita, Eburru, Mauche, Ndeffo, Njoro, among others.

He states that most of those who benefited from the program were civil servants, politicians and businessmen. The effect of this was that the landless and those who had been dispossessed of their land were disappointed with the new regime and felt disenfranchised by the people whom they trusted. Additionally, as Kariuki (2015) argues, apart from settling the landless, the government policy frameworks on land were also meant to create a cohesive society, where anyone can own land anywhere in the country, as dictated by the Constitution. However, this was not well received by locals who had lost their land during colonialism and created more conflicts between the locals and newcomers.

The indicting question in this study is: How did the program benefit the elite class yet it targeted the landless? Veit (2011), in an effort to find out this problem, established that ethnicity and politics of patronage played an important part in land acquisition in the past and in post-colonial era, especially in Rift Valley. This is reiterated by Ichuloi (2018) who argues Jomo Kenyatta acquired lots of land for himself and his friends leaving many Kenyan people haunted by the feeling of their own innocent dream of self-rule for self-determination as squatters. In Viet’s (2011) view the post-colonial system favoured mostly Kikuyu elite, some of whom owned land-buying companies with political connections, at the expense of other ethnic groups in the country, with some members of Kikuyu community acquiring land in settlement schemes especially at the Coast and in Rift Valley.
Veit (2011) further established that by 1989, the non-local community or the incomers in Rift Valley, comprised about 35% of the population in the region, an issue which became a source of long-term ethnic animosities. Accordingly, as Oyugi (2000) explains, this inter-ethnic land tensions were exacerbated with multi-party politics, which was re-introduced in 1991. According to him, political elite used the land issue for political expediency, with target being the immigrants within Rift Valley. As a way of deflecting political threat posed of multi-party system of democracy, some politicians in Rift Valley region evoked a call for majimboism, which, though not formally defined, locals interpreted it as a call to repossess the land owned by non-locals. This call for Majimboism dominated politics in the region in subsequent election periods culminating in the 2007 General Elections and the issue was seen as a mobilization factor for the 2007/8 Post Elections Violence (PEV).

The argument is further supported by Kalma (2006), who argued that politics of ethnicity in Africa are part of major causes of ethnic and resource-based conflicts, as leaders use the land issue to rally their community for political support. What can be deduced from this argument is that politicians continue to use the land issue for their survival and to please the populations who are disappointed over the failure to address the land problem. This undermines stability, peace, social cohesion and security which are advocated by the entitlement theory and the social conflict theory guiding this study.

2.7 Current Land Tenure Systems in Kenya

Land tenure systems provide a framework within which land can be owned, regulated, determine who can use it, for what duration, the conditions for such use and control arrangements for it (Mulaku, 2000). According to Aketch (2006), land tenure signifies
property rights bestowed to an individual or groups by the society to hold and provides limitations for enjoyment of such rights. In other words, land tenure is based on certain rights such as ownership, use and control, which can be determined by land policies, societal regulations as well as private agreements and decisions backed by legal frameworks. Globally, land tenure signifies provision of security and stability to the land owned. Land for instance, as Mugure et. al. (2013) reveals, in Ghana, land tenure has failed to provide necessary security for land, and so advocacy for land tenure reforms were ongoing to enable them provide necessary security. Additionally, as revealed by Payne et. al (2012), between 30-50% of land owners in developing world lack any kind of legal document to show they have tenure security. Additionally, studies carried out in low- and middle-income cities over the last decade indicate that security of tenure is also one of the most effective tools for alleviating poverty in slums (UN-HABITANT, 2008)

Article 61 (2) of the Kenyan Constitution (2010) categorizes land in Kenya as either public, community or private. The Article, together with other legislations on land such as Land Act (2012) and Land Registration Act (2012), provides for three types of land tenure, namely: public tenure, private tenure and communal tenure. Private land tenure provides the owner with the right to absolute enjoyment, exclusivity and disposal of the property. Rights to private ownership can be practiced through Freehold Ownership where ownership is in perpetuity or through leasehold land ownership which is temporary, usually for a specific period between, usually between 21 to 99 years for long term leases from private land, according to the Land Act (2012).
Public tenure is where property rights belong to the Government as guided under Article 62 of the Kenyan Constitution (2010). The Constitution mandates NLC to manage the public land for the government or the public. Prior to this, the power to allocate public land was bestowed on the President of Kenya and Commissioner of Lands, even for private use. Lastly, customary tenure, under Article 66 of the Constitution and Community Land Act, (2016). Community land tenure system is in force in many parts of the country, especially in parts of North-Eastern Kenya, South Eastern. In some countries, private tenure systems are integrated into the customary systems. As Payne et al (2012) reveals, countries such as the Solomon Islands, Lesotho and Papua New Guinea have this form of hybrid tenure systems, which permits the almost unrestricted use and exchange of land and is intended to ensure its most intense and efficient use.

Land property rights, whether vested in individuals or groups, are exercised through a land tenure system and as Boye (2007) argues, Kenya has largely private land tenure system which has the basis on the understanding of the English Laws land ownership, and an individual or a corporate entity can own land. This is buttressed by Ojienda (2010) who argues that based on English property laws, holders of Title Deeds have the freedom to fully utilize their land in ways they deem fit, but subject to applicable land laws. On the other hand, a study by Payne, et al (2012), shows that public land, is practiced in countries such as Ethiopia, Cuba, and Vietnam, where all land is vested in the state and allocated according to officially determined priorities. Though these scholars are succinctly conversant with land tenure systems as hinged in legal frameworks, they fail to explain whether these systems contribute to land conflicts and the effects they have on social cohesion, a gap which this study seeks to explore.
Deployed land tenure systems ought to provide security and stability in the land sector and according to Olale (2015), land tenure security is the degree of confidence that land users will not be arbitrarily deprived of the rights and economic benefits arising from land which they legally own or occupy. Land security also defines individual’s certainty that the rights he or she enjoys on land owned will be recognized by others and protected in case of encumbrances such as litigations, unlawful evictions or dislocation.

Additionally, as Waiganjo and Ngugi (2001) argue, land tenure provides legal and normative frameworks within which agricultural and other economic activities may be conducted. They add that land tenure policies should have an effect on land use and provide security of tenure to the persons holding the land. Land policies should also aim to sustain and improve the environment; be easily understood, be acceptable and provide equity to all. According to them, Land Tenure should be able to provide stability in the area they are adopted and its acceptability by the community should enhance cohesion among the inhabitants. This is in line with the entitlement theory, which is guiding this study that calls for security and stability of ownership. The reviewed literature on current land tenure systems provide perspectives under which to understand the systems, with the critical question being, whether these systems provide necessary security and stability to land ownership for social protection and well-being. The authors were not able to give an analytical perspective on this issue, however, the gap created is catered for in this study.

2.8 Acquisition of Secure Land Ownership

As pointed out in the preceding section, land ownership in Kenya is identified as one of the triggers of conflicts. This is necessitated by the infringement of land ownership rights, which
are essential components of secure ownership (Payne and Alain, 2012). According to them, respect for land ownership rights leads to secure land tenure, and consequently better social relations. Proper legal systems are critical to secure land ownership; they assure and guarantee property rights, which enable the owners the right to enjoy and dispose of assets including land (Ojienda, 2010). Globally, land ownership is dependent on the prevailing legal frameworks. In South Africa, for instance, as Ochieng (2017) reveals, the apartheid legal frameworks dictated a dual ownership form for the Whites and Africans, with the Whites concentrated on fertile farmlands in the highlands, while the Africans were concentrated in low-productive areas and in slums. This was also practiced in Kenya, as has been revealed in the previous section, where the productive highlands were taken by the white settlers, while Africans were dislocated to native reserves, which were lowly. In Australia, as the study by Kameri-Mbote (2013) reveals land, which belonged to aboriginal communities, were declared Crown land during colonialism, leading the communities to lose land. However, unlike in Kenya, the Australian government in post-colonial era, reverted ownership to the communities that had lost it.

Murphy et al (2004) identify three main characteristics of ownership: the right to manage property, the right to enjoy the property and the right to dispose them off. The right to enjoy and consume things owned is the benefit it brings or the aim for which a property is procured, that it must enhance livelihood to the family or the user. Right to dispose property means the right to sell, donate it to someone, for inheritance purpose, among others. On the same note, Olale (2015) identifies the basic land rights: use rights such as the rights to grow crops, make permanent improvements, bury the dead, among others; transfer rights which include the right to registration of land, to sell, donate, mortgage, lease, rent and bequeath as inheritance,
among others; control rights which includes rights to decide how land should be used. Enjoyment to these rights without infringement is what Nozick postulated in his theory of entitlement as explained earlier. When such rights and enjoyed by land owners and respected by other members of society, then they feel part of that community or society, thereby having a peaceful coexistence among them.

The main reason for the struggle for land and acquisition of it is economy, particularly land based economies where land is considered as the source of the peoples’ livelihoods. According to Olale (2015), land use ought to have some accrued benefits that enhance the livelihood of users and it is through land use that the important services provided by land can be realized. In addition to this, Goetz et al (2005) postulate that land use is a crucial policy concern since it encompasses a wide range of inter-dependencies among persons and communities that possess significant influence on economic and social wellbeing of others. On this note, an individual’s effective use of land increases production, leading to economic and social benefit not only of the land owner, but also of others within the society.

Land use is crucial for economic and general human development, but it is also a recipe for conflicts. Whenever there is competition for land and other related resources, there is always a conflict. This is where having secure land ownership is paramount for social cohesion and stability. When people are not afraid of losing their land and able to develop it, then its sustainability is achieved and eventually security for the entire society. This is what is envisioned by the entitlement theory as used to guide this study.
2.8.1 Land Ownership and Conflicts in Kenya

From the previous sections, colonialism has been identified as a major cause of insecure land ownership experienced in many places in Kenya today. Colonial administration and Kenya’s elite political class contributed immensely to discontent among the local population in relation to allocation and ownership of land (Syagga, 2013). Since the local participation is not given the central place in the allocation of land, the entire process is deemed to cause social insecurity to both the locals and those who claim to have gotten it from the locals.

Odowa (2015) observes that discontent over land ownership continues to be the most prominent cause of frequent conflicts and ethnic clashes in Kenya. He blames the conviction by colonialists on the model of private ownership of land and the incentives they gave to the settlers to embrace the model to spur economic growth. In Odowa’s thinking, this deeply distorted traditional systems and created divisions and conflicts among people who were initially together, living harmoniously. Faulty land management and sometimes distribution of arable land to private investors for commercial, residential purposes is another factor contributing to land conflicts in certain regions in the country (Sifuna, 2012).

Furthermore, the legal entitlement of land is complicated more when one has to obtain a legal document that guarantees him/her the right to land. This fundamentally affects the poor indigenous people who are sometimes demanded to go through stringent bureaucratic procedures that they end up not having means to facilitate them in the entire process. This is noted by Yamano and Deininger (2005) who indicate that this tedious and complicated process breed a culture of selective land allocation whose aim is to favour the political class.
that have the resources at the detriment of the poor locals. In effect, the entire land acquisition process is characterized by inefficiency and corruption.

Land ownership has also been used for ethno-political mobilization, especially during general elections. Kimenyi and Ndung’u (2006) reveal that there have been consistent ethnic clashes during General Elections in the Rift Valley region, particularly in Nakuru County, with the issue of land ownership being a critical factor. Their being displaced from their land has caused them a lot of social problems due to family disintegration where family members are separated to the height that some have not been able to reunite to date. Land is, therefore, of great importance to family welfare and it is valued not only for the wealth accumulation, but also as social commodity (Kariuki, 2005).

Land has been used for political expediency, leading to conflicts. According to Oyugi (2000), with introduction of multi-party politics in 1991, majority of leaders especially in the Rift Valley, saw it as an opportunity to renew their quest for Majimbo system of governance. The sectarian thinking in the quest was that of mobilizing the local community members with a clarion call that non-indigenous communities should go back to their motherland. According to Oyugi, this call was interpreted to mean that the ‘outsiders’ should leave their land to the natives, who felt entitled to it and the same narrative has persisted. The critical matter is that, when the sequence of hatred conflicts begins to be waged in the ethnic group’s name, fear and animosity pervade the entire society, since the perceived invaders are regarded as the enemy and target against whom the conflict resentment is waged upon (Ichuloi, 2018). Politics of ethnicity is a critical factor that contributes to insecure land ownership, with politicians using
land issue to divide communities for their own benefit, which in essence damages the social fabric of affected communities.

Boone (2012) identified Nakuru, Uasin Gishu, Trans-Nzoia and Nandi as the most affected counties as far as land based conflicts are concerned, especially during electoral periods. She claims that, approximately 1500 people were killed while 300,000 people were displaced during the 1991–93 and 1997 clashes and in the 2007/2008 Post – Elections Violence (PEV). In her assertions, most of the violent conflicts took place in Nakuru County attributed to its cosmopolitan nature, which majorly involved conflicts among Kalenjin, Maasai and Kikuyu communities that are dominant in the region. The most indicting thing which is in the domain of this study is that the conflicts were of land related imprints, which adversely affect social cohesion in the region. This creates insecurity in land ownership, especially to non-local communities considered to be invaders. The assertions are reiterated by Syagga (2013) who notes that land insecurity has dominated most areas in Rift Valley, especially Nakuru County, thereby creating a deep sense of social hatred among affected communities. Such a situation undermines the importance of secure land ownership as claimed by the Entitlement Theory that informs this study.

2.8.2 Legal Documents for Secure Land Ownership

Having established that insecure land ownership is a contributory factor in conflicts, then the study looked at the place of legal land ownership documents for social security of their owners. It is known that many Kenyans possess legal ownership documents, that is, Title Deed and Certificate of Lease. But the question is: does possession of any of this documents imply security of those entitled? In principle, their possession is one of the ways that ensures
secure land ownership; since they are the legal prove of ownership of land (MoLPP, 2016). To this end, there has been a major drive to ensure easy processes in the acquisition, access, control and registration of land towards secure land ownership in Kenya. Land Act, (2012) and Land Registration Act, (2012), were enacted to ensure the process of legal land ownership is achieved. As Chelimo (2014) reveals, before the enactment of these Acts, the registration of land in Kenya in order to get a title deed, was characterized by multiple statutes, namely, the Government Lands Act (GLA), Land Titles Act (LTA), Registration of Titles Act (RTA) and Registered Land Act (RLA).

The objective of the current legislations is to revise, consolidate and rationalize registration of land so as to provide a simplified, secure and harmonized registration process that will unite and accord rights to members of society and reduce land related conflicts that destroy social coexistence of communities. Nyakeri (2012) affirms that legal land documents give the registered proprietor powers to exercise his possession rights, like the right to dispose of the land as explicated in the following subsections:

Land allocation by the government, where the government transfers public land to individuals for a specified period and purpose and the conditions for use. This type of allocation can be through tendering process, public auction, balloting or allocating it to disadvantaged groups.

Purchases and transference, where rights to land are transferred through purchases on a willing-buyer-willing-seller basis. Usually, sale of land completed after getting a consent from the relevant Land Management Boards and paying requisite stamp duty to the government. It is then that the transfer document, together with the original title deed, are booked for
registration in favour of the purchaser. This is done to ensure that there is no fraud, corruption and encumbrances in acquisition and ownership of the transacted land.

Transmission is another method of acquisition, which occurs when land ownership is passed to another person, whose authority over land, are limited by other circumstances such as death, bankruptcy and insolvency of a company. In the event of death, a representative to the deceased is registered as proprietor or administrator of the land for the deceased. In case of bankruptcy, a trustee is registered as the proprietor, while a liquidator is registered as the proprietor of land in cases of liquidation of a company. The authority to transfer land or other properties in this form of transmission is the Court of Law. This again is to stop social disputes that might later arise among members of society.

Other land acquisition methods include land adjudication, where rights to own land are ascertained and recorded in areas of community land; Compulsory acquisition; where the government acquires private land for public purposes. This is subject to fair and prompt compensation to the land owner. Prescription is another method of land acquisition, also known as adverse possession, which occurs when one obtains land registration documents after an occupation of land without opposition for 12 years. This form of acquisition involves a court process and the possessor ought to prove to the court of law that the occupation of land was without interruption for the time specified. Settlement program is another mode of acquiring land where the government provides access to land for landless people, squatters and victims of natural disasters, conflicts and people displaced due to conservation or development projects, among other factors.
Wanjala (2000) comprehensively reiterates the registration of title as the maintenance of authoritative records in an office, which contains the person who owns a particular piece of land, the size and any form of encumbrances. Though there have been robust efforts to issue ownership documents to land owners, the process has been abused through incessant corruption, hence making the acquisition of secure land ownership process almost impossible. Syagga (2013), argues that even possession of land registration documents does not guarantee peace and stability especially in Rift Valley region.

2.8.3 Challenges and Opportunities to Secure Land Ownership

Despite a framework of processes in acquisition, administration and registration of land and titles being in place and being simplified, still there are challenges inherent in these processes and as indicated in the previous section, in some places, the possession of these documents does not imply security of ownership. Wangari (2016) identified discrimination against women in registration and issuance of land ownership documents, as an impediment to secure land ownership. She states that land tenure systems, especially in rural areas of Kenya, discriminates against women hence very few women own land. Additionally, Sing’oei (2011) found out that in most East African countries, minorities faced similar challenges of discrimination in their endeavour to own land, despite the gains made in ensuring that there is equality, an issue which hinders acquisition of these documents.

In the previous sections, the research analysed literature on ethno-politics, which is another major challenge to the attainment of secure land ownership. Syagga (2013) states, ethnicity and politics have played a leading role in land conflicts witnessed in many parts of the
country. They affect perceptions of land at the local level. Land related conflicts, particularly forceful evictions of owner in their lands undermine, respect to humanity (Olale, 2015).

Corruption is another factor that has been rife, especially in institutions offering land services. To this, Wangui (2019) reveals that corruption involves falsifying land records in Land Registries in the Ministry of Lands and process new land ownership documents with new owners, rendering the *bona fide* owners landless by revoking their legal ownership documents. Among the documents that fraudsters target includes Title Deeds, Certificates of Lease, transfer documents, Green cards, and share certificates among others (Wangui, 2019). Corruption in most of government offices dealing with land is so rampant that the poor find it hard to acquire legal documents, a gap not exhaustively addressed by the authors.

### 2.9 Land Dispute Resolution Measures

As has been discussed in the previous sub-sections, land is an important asset among a diverse community in Kenya and a key driver to socio-economic development. In Kenya today, land conflicts are prominent, thereby necessitating effective resolution measures before they degenerate into violence (Boone, 2012). Globally, countries resolved land disputes which were disturbed during colonialism, with Australia and New Zealand, being typical examples where land taken away during colonialism, were returned to the communities who owned them (Kameri-Mbote, 2013). Furthermore, efforts to resolve Israel-Palestinian conflicts have faced challenges of interests and political alliances at the international level (Reinhart, 2011). A study by Thomson (2010) indicates that in Yemen, lack of political goodwill and animosities among Yemeni ethnic communities have hampered resolution of land conflicts.
In Kenya, resettlement of the landless people for social cohesion after independence. However, as noted by Yamano and Deininger (2005), majority of the beneficiaries were not the absolutely landless, nor were they those who had been originally displaced, but people who had land and either disposed it or registered it to their relatives to be able to benefit in the new system. This was flawed strategy used by the government; after independence it did not involve public participation to ensure proper land allocation; those who were the rightful owners who fought for the independence. Ichuloi (2018), explains that whenever there is involvement of the public, it is regrettable that their participation is enshrined under the fictitious umbrella of ethnicity, while profoundly intensifying exploitation of ethnic hostility against those perceived not to belong in the specified regions.

Issuance of land documents have been seen to be an effective approach to resolve land disputes. However, as Mutaya (2016) contests that despite issuance of land title deeds and lawful registration of land, disputes still exist even in areas where registration has been completed. This in itself implies that there is so much that has not been unveiled about land society relationship and issues associated to this relationship. Displacement of people from their lands raises candid questions about the effectiveness of established land commissions and enacted land policies.

2.9.1 Frameworks for Formal Land Dispute Resolution

The Constitution of Kenya (2010) is cognizant of the fact that lasting solutions to land problems lie in efficient legal and institutional frameworks, with Chapter Five dedicated to Land and Environment. It also established the NLC and Environment and Land Court (ELC) to resolve perennial land disputes. Other land-related legislations, such as the Land Act,
(2012), Land Registration, Act (2012) and other existing legislations, focus on speedy adjudication of land issues and efficient resolution to land disputes. These formal mechanisms have been in operation and managed to resolve many disputes. Article 159 of the Constitution (2010) introduces the notion of Alternative Land Dispute Resolution (ADR) mechanisms and uses methods such as negotiation, mediation, reconciliation as well as traditional land conflict resolution mechanisms, to be part of legal framework in resolving disputes.

However, despite the constitution capturing the issue of ADR as part of its legal framework, there are no guidelines or policy which support or guide on the utilization of these mechanisms to enhance access to justice (Maigua, 2018). Similarly, the implementation of a number of sectorial provisions on ADR is left to concerned stakeholders, making their application untenable. However, Land Act, (2012) emphasizes the role of local communities in settling land disputes by means of home-grown local community initiatives, using alternative dispute resolution mechanisms. Similarly, Community Land Act, (2016) also gives guidelines on addressing community land disputes. These include traditional and alternative conflict resolution mechanisms, and apply them where it is appropriate to do so, in order to amicably settle conflicts and disputes associated with community land.

The mandate of the NLC, as an independent government commission, was established under Article 67 of the Kenyan Constitution (2010), NLC Act, (2012); the Land Act, (2012), the Land Registration Act, (2012) and the National Land Policy of 2009. Articles in these legislations make NLC central in land adjudication and resolution.
With the establishment of NLC, there was expectation from Kenyans that issues of land disputes would be resolved effectively and efficiently within a short time. Mulefu (2014) states that the NLC was created mainly to bring about solution to the land problem by resolving ownership issues, land tenure as well as squatter problem and protection of public land. Mulefu notes that there was great expectation from Kenyans on NLC on resolving land disputes and bringing question to land ownership, however, very little had been achieved due to the challenges that have been facing the NLC, especially the collision course with the Ministry of Lands as regards to policies and mandate, the infighting among commissioners as well as corruption among the staff. Similar views on the failure by NLC to achieve its mandate was raised by Manji and Ouma (2019), who identified interference by government, corruption and failure by the NLC team to work together to achieve its mandate. For NLC to effectively achieve its mandate, Syagga (2013) proposes that the government fund sufficiently, that NLC be more open members of the public, as well have legal powers to enforce penalties to those who do not comply with land management and administration laws.

Apart from NLC, the other institution established by the Constitution (2010) to formally adjudicate land disputes is ELC under Article 162 and ELC Act (2011). According to the Kenya Judiciary (2018), ELC is empowered to deal with cases appertaining to land management and administration as well as the environmental function. ELC also has powers to adjudicate on disputes relating to community, public and private land as well as contracts and any other aspect of land disputes. ELC have the jurisdiction of a High Court of Law in Kenya and it has appellate function on judgments of subordinate courts or tribunals in matters that are in their jurisdiction. The court also has supervisory roles over the subordinate courts, local tribunals, persons or authorities in accordance with Article 165(6) of the Constitution.
LDGI (2013) sought to find out, through a study, perceptions of the members of the public, on the performance of ELC, and whether it had improved how land disputes were being handled. The study found out that more than 85% of those who had been interviewed had confidence in the performance of ELC. However, they pointed out that the long process courts take to adjudicate on land matters makes many shy away from the usage of the courts. It is also critical to note that the research was done when ELC was barely two years in existence.

Maina (2015) notes that though ELC had been widely accepted by Kenyans, it was facing challenges that were impeding the realization of its mandate. The NLC (2017) notes that in Kenya, more than 60% of all court cases in the Judiciary, were on land disputes and in 2013, the NLC inherited 7000 land court cases from the Ministry of Lands and from that time, more than 2000 cases have been added, and only about 1000 of these cases have been resolved as of 2017. NLC also notes that more than 55% of the land court cases have never progressed beyond the mention stage and the average duration of these cases is over 30 years. It also notes that the ELC had not yet impacted positively on land cases owing to the few number of judges so far appointed to this new court. It proposes the adoption of Alternative Dispute Resolution (ADR) and Traditional Dispute Resolution (TDR) mechanisms, since these mechanisms were effective in providing quick resolution of land disputes, had high flexibility, had less technicalities, were very cost effective, had the ability to involve expert opinions, and had a lot of privacy and saving a lot of time for courts. This study therefore sought to assess how ELC has been utilized in bringing about resolution to land disputes within multi-ethnic settlements in Nakuru County and its role in bringing about social cohesion.
The most questionable matter and gap in the literature is that the measures taken to solve land related conflicts are not community based. This undermine the contribution of the local systems like council of elders, community households, the church and other religious groups, that are critical in finding solutions to this emotive issue.

2.9.2 Informal Measures: Traditional and the Alternative Land Dispute Resolution

As noted in the previous section, despite the presence of the legal constitutional frameworks for conflict resolution land based conflicts in Kenya still persist. This calls for an investigation into informal land resolution mechanisms. Duggan (2014) argues, both TDRM and ADR are essential in dealing with land disputes since they follow the bottom-top approach, taking into account the local solutions that are built upon people’s every day interactions. He asserts that the formal mechanisms follow the up-bottom approach undermining local intents to solve the land related problems. This is to say, informal mechanisms emanate from the people, focus on the needs and interest of parties in encountering land conflicts.

According to Maigua (2018), the main aspects of TDRM and other ADR mechanisms, which determines their uniqueness is that they focus on a win – win situation for the parties and emphasize on the greater good of the community, that is its peace, security and stability, while the outcome of the formal mechanisms mostly favour one party. Maigua’s argument is supported by Anjayi (2014), who stipulates that TDRMs derive their authority from the traditions and customary practices of the community and that the diversities from these traditions enrich these mechanisms to enable them achieve their goal. Further, Ntuli, (2013) argues that TDRMs is still relevant in the contemporary society since it is timely in the access of justice and conflict resolution, it is affordable and all parties to conflicts are winners and
has the basis of customary law. In line with Ntuli’s argument, Ojienda (2008) states that resolving land disputes in pre-independence was based on the customary law which was formed by rules emerging from the resolution of past disputes.

The success of informal mechanisms in resolving disputes may have informed efforts by institutions to inculcate alternative and traditional mechanisms in their operations as discussed in previous section. LGDI (2013), in its research on ELC and ADRs, found out that majority of the respondents preferred ADRs since they were efficient in resolving land based disputes, were also easily accessible, and were cost effective compared to courts. However, the study did not indicate failures by formal land dispute resolution mechanisms that led to preference for ADRs; and how this contributed to persistence of land conflicts and how that affected social cohesion, which is what this study wants to establish.

NLC (2017) and LGDI (2013) identify various approaches TDRM and ADR use in conflict resolution: negotiation, mediation, arbitration, diplomacy, reconciliation, adjudication, among others. These approaches are also tools of social cohesion, which is a product of successful strategies of peace building among communities in post-conflict situation. Duggan (2014) emphasizes on negotiation as an important tool in conflict resolution, where two parties engage willingly in seeking a resolution to the conflict. The important thing about negotiation as a win-win mechanism is that its outcome is binding to both parties (Malan et. al, 2015). On mediation, Singer (1994) sees it as a process where parties in a conflict seek a neutral third-party to facilitate a mutually acceptable resolution to the conflict. To achieve the proper ends of mediation, Ndeng and Zartman (1991) note that the mediator to the conflict ought to be neutral and impartial to create confidence among parties and arrive at a binding resolution.
In Arbitration, on the other hand, a decision is made by a neutral and impartial third party who has an authority to intervene in a conflict at the request of one or both parties in a conflict or a court of law; and the outcome of the process, as delivered by an arbiter, is binding and enforceable by a legal authority (Gregory and Brendan, 2006). Diplomacy is another tool utilized in conflict resolution and according to Tabitha (2008), it has traditionally been utilized to bring peace to warring parties at the local level, where, a member of a particular community may be sent to another community as an emissary to negotiate for peace. Kirova (2012) adds that traditional diplomatic approach has been adopted in international circles to bring about peaceful co-existence globally. Reconciliation is another approach that helps a society move from a divided past to a shared future thus redesigning broken relationships (Machira, 2008). Accordingly, this approach is a long-term process since, as Lederach (2006) states, conflicts in modern times are characterized by deep-rooted animosities and stereotyping, therefore, a paradigm shift that focuses on rebuilding and restoration relationships is essential, while reconciliation is central to this shift.

Maigua (2018) supports the informal approaches for conflict resolution since they give voice to communities in explaining how such approaches help them regain power in decision-making process. According to him, these mechanisms, especially mediation and negotiation, be emphasized since they are key to the realization of the goals of efficient management of resource-based conflicts in Kenya by involving the community more. He conducted a study among the Kikuyu, Luhya, Meru and Kamba communities to investigate the usage of these approaches in resolution of disputes and found out that majority of these communities generally considered ADR and TDR approaches being more affordable, accessible and fair, hence enhancing their effectiveness in the society. However, he did not assess these
mechanisms in relation to the resolution of land conflicts, which this study endeavours to do. The application of these mechanisms in this study are in agreement with the social capital theory that emphasize on the search for local based solution to conflicts as essential in ensuring a peaceful and cohesive society. However, the scholars do not explain how these approaches are applicable in resolving land based conflicts and to what extent they can be used to enhance social cohesion, which this study seeks to assess.

2.10 Negative Ethnicity and Divisive Politics: The NCIC Framework

Land based conflicts are common in areas with multi-ethnic communities and these conflicts mostly degenerate to violence driven by divisive ethnic based politics and negative ethnicity especially during electoral periods (Kipkemoi, 2015). As Waki Commission (2008) reveals, the 2007/2008 PEV was the epitome of divisive politics and negative ethnicity, driven by land issue to instigate conflicts. Land conflicts lead to violence, loss of human lives and destruction of property. It is on the basis of conflicts that government felt the need to form a negotiating committee that came up with the Kenya National Dialogue and Reconciliation Agreement, (2008). The agreement led to the formation of institutional frameworks to prevent and address triggers to social conflicts. One of such institutions is the National Cohesion and Integration Commission (NCIC), which was formed in 2008 through the National Cohesion and Integration Act, (2008). The mandate of NCIC is to foster a peaceful coexistence by promoting tolerance and understanding among communities, curbing prevailing forms of discrimination, as well as dealing with hate speech, which is the manifestation of divisive politics and negative ethnicity.
NCIC aims at rooting out discrimination, which is exhibited in form of colour, race, religion, ethnicity, among others. It is also expected to reject all forms of harassment, ethnic profiling, victimization, since these violates their rights and treats them without the dignity and honour they deserve. NCIC works through National Cohesion and Integration Policy, (NCIP -2013) whose objective is to promote understanding of national cohesion and social integration, guiding stakeholders’ efforts towards a cohesive and integrated society, enhancing efforts towards implementing policies and interventions for promoting an integrated and a cohesive nation, among other aims.

The reality of the matter is that NCIC appears to have achieved little to restrict nefarious activities associated with ethno-politics. Namasaka (2012), in his research on role that vernacular radios in Kenya play in the promotion of national cohesion and integration, found out that majority of listeners of vernacular radio stations, 60%, held the view that NCIC had played little or no role in promotion of a cohesive and integrated society. Ngugi (2017) adds to this by stating that NCIC has had no major convictions in court and it is considered by many Kenyans as passive, and ineffective. The scholars reviewed under this section have evaluated NCIC and its framework; however, in assessing its effectiveness in curbing negative ethnicity and divisive politics, but did not show how NCIC framework can be utilised in curbing incitement on land matters and how it can be used to reduce land conflicts and promote social cohesion, which this study seeks to establish.

2. 11 Public Participation and Land Conflicts

Among the key factors in resolving land conflicts is the engagement of the local population in seeking ways of addressing the underlying issues in the dispute. The Constitution of Kenya
(2010) promotes public participation as a prerequisite in policy and legal formulation, especially in matters that directly affect them. Mariru (2015) argues that in public participation, members of society have an open, structured and accountable process where they can engage, give their views and influence decisions to suit their interests. The gap in Muriu’s finding is that though it gives a succinct conclusion that public engagement is a key component in socio-political development, he did not focus on land conflicts and how public involvement can be critical in addressing land conflicts to enhance social cohesion, which is a focus of this study.

Omollo (2011) identifies key elements for effective public participation: members awareness in terms of having adequate information on the issues of discussion; planning where those affected participate in decision making process through forums that are well planned to achieve desired results; effective implementation of the outcomes of public participation; lastly, there is need to monitor and evaluate the whole process to ensure that inputs of the public is followed up and accountability systems are in place. In relation to land matters the Land Act (2012) underscores the importance of public participation to guide the NLC in its operations. Muigua (2014) argues that there should to be a significant public involvement in managing resources, including land. This is an approach that is hardly considered in the top-down approach in resolving problems affecting society. Kairu and Maneno (2015) identified inadequate public involvement in land management as a major cause of persistent land conflicts in Kenya. Public involvement underlines the importance of social capital theory that guides this study. Taylor (2009) explains the significance of people-centred land policies, which are critical in securing land ownership supported by entitlement theory employed in this study. Though these scholars identify public participation as a key element in resolving
land conflicts, they do not show how public participation can be used to resolve to come up with local-based solution to land issues to enhance social cohesion, which this study seeks to find out.

2.12 Conceptual Framework

Figure 2.2 indicates the relationship between independent and dependent variables identified in the literature review.

![Conceptual Framework Diagram]

**Figure 2.2:** Conceptual Framework  
**Source:** Researcher’s Construct, (2019)

Figure 2.2 shows land conflicts as independent variable and social cohesion as the dependent variable. Under independent variable, the indicators are pictured to be: historical factors
contributing to land disputes; secure land ownership and its inherent challenges; policies and practices appertaining land tenure systems as well as efficiency of land dispute resolution mechanisms, both from the Government point of view and locally. These independent factors form the basis of land conflicts and the theory of entitlement informed the analysis of these factors in the study.

The study underscored that for social cohesion as dependent variable to be achieved a sense of belonging to the community with shared identity and values, sense of equality, inclusion in community activities, access to opportunities, participation in affairs of the community, feeling of recognition where there is respect and tolerance as well as respect for institutions (legitimacy) and diversity (pluralism) as its indicators are paramount. The relationship between indicators of the study is that social cohesion is achieved when historical land disputes have been resolved; deployed land tenure systems are effective and lead to stability; challenges that hinder the attainment of secure land ownership have been addressed and there are effective mechanisms both at the national government level and the community level to resolve land based conflicts. Attainment of this will result to peaceful coexistence among different communities in the society, security within the society, socio-economic and political stability. By investigating the implications of land conflicts on social cohesion the study finds out whether these variables lead to a strong or weak social cohesion.

2.13 Literature Gaps

The literature which has been reviewed is indicative of a manifestation of land conflicts, whose root cause could be attributed to colonial land policies and land management model that led to deprivation of land for indigenous communities through forceful acquisition,
evictions and displacements that denied them the right to land ownership. The post-colonial period is seen as a continuation of the colonial regime and did not resolve the land problem but rather, it exacerbated it. This has perpetuated land based conflicts which have often degenerated to violence, leading to death, displacement, loss of property and livelihood to many Kenyans. Though the government has put legal frameworks and policies to address the land problem, the conflicts persists. This calls for assessment on the situation to find out why there is persistent of conflicts and seek a community based solution to the land problem in Nakuru County. Though there is literature on land conflicts, there is a dearth in literature espousing the linkages between land conflicts in Nakuru County and the implications they have on social cohesion and it is this gap in knowledge that this research intends to fill. This gap is noticeable since there is unavailability of current literature that interrogates a possible nexus among historical land tenure disputes; the security of the current land tenure systems; challenges to secure land ownership as well as the existing conflict resolution mechanisms to social cohesion in Nakuru County.

Another gap is that of community participation in administration as well as managing land. The reviewed literature undermines value of local communities in managing and resolving land conflicts. The history of land disputes and its related literature seem to deliberately eschew the role and empowerment of local communities in finding solutions that affect them. Even though the government is seen as the absolute provider of solutions to land matters, there is no community legal framework like community land act that can empower and guide communities in the attempts to resolve land matters.
CHAPTER THREE
RESEARCH METHODOLOGY

3.1 Introduction

This chapter focuses on the methodology employed in conducting the study and it has the following sections: Area of Study, which is Nakuru County; research design, which is mixed method research design and incorporates both quantitative and qualitative approaches. Other sections are target population; sample and sampling techniques; methods of data collection, which are: structured questionnaires, Key Informant Interviews, Focused Group Discussions (FGD)s and Observation; design of the research instruments; data processing and analysis, target population, reliability and validity of instruments, data collection procedures and techniques for data analysis.

3.2 Area of the Study

Nakuru County, which is the area where the study is focused, is within Rift Valley region of Kenya. The County comprises of nine Sub-Counties, which are administrative units for both National and County governments. According the 2019 National Census, Nakuru County has a population of 2,162,202 people (male-1,077,272, female –1,084,835 and intersex - 95) (KNBS, 2019). Nakuru County was selected because it is highly cosmopolitan, an issue which favours diversity for integration among existing social groups. The County has diverse population reflecting almost in the entire ethnic landscape of Kenya. The Kalenjin and the Kikuyu being the more dominant communities, comprising of about 70% of the County’s total population (KNBS, 2013 and 2019). The economic activities of the two communities are mainly farming, livestock keeping and business. The county also hosts other communities
such as Luo, Kisii, Luhy, Kamba, Meru, Embu, among others, who are concentrated mostly urban areas, especially in Nakuru and Naivasha towns, which are the key urban centres in the County. Most of them live in these towns where they work, do businesses or offer skilled labour while others work in floriculture and horticulture industry, with the County being the leading exporter of flowers in Kenya. Table 3.1 indicates Administrative and Political Units in Nakuru County.

Table 3.1: Administrative and Political Units in Nakuru County

<table>
<thead>
<tr>
<th>Constituency</th>
<th>Sub-County</th>
<th>Area in Km²</th>
<th>Divisions</th>
<th>Locations</th>
<th>Sub locations</th>
<th>No. of Households</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nakuru Town East</td>
<td>Nakuru Town</td>
<td>297.2</td>
<td>3</td>
<td>7</td>
<td>21</td>
<td>125,879</td>
</tr>
<tr>
<td>Naivasha</td>
<td>Naivasha</td>
<td>1960.2</td>
<td>3</td>
<td>12</td>
<td>20</td>
<td>117,633</td>
</tr>
<tr>
<td>Molo</td>
<td>Molo</td>
<td>478.7</td>
<td>4</td>
<td>14</td>
<td>28</td>
<td>41,462</td>
</tr>
<tr>
<td>Njoro</td>
<td>Njoro</td>
<td>702</td>
<td>5</td>
<td>13</td>
<td>27</td>
<td>61,271</td>
</tr>
<tr>
<td>Kuresoi N.</td>
<td>Kuresoi</td>
<td>1,191.00</td>
<td>4</td>
<td>22</td>
<td>51</td>
<td>74,986</td>
</tr>
<tr>
<td>Kuresoi S.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rongai</td>
<td>Rongai</td>
<td>993.1</td>
<td>4</td>
<td>18</td>
<td>27</td>
<td>52,348</td>
</tr>
<tr>
<td>Bahati</td>
<td>Nakuru North</td>
<td>374.3</td>
<td>2</td>
<td>6</td>
<td>17</td>
<td>61,728</td>
</tr>
<tr>
<td>Subukia</td>
<td>Subukia</td>
<td>424.2</td>
<td>3</td>
<td>6</td>
<td>16</td>
<td>21,819</td>
</tr>
<tr>
<td>Gilgil</td>
<td>Gilgil</td>
<td>1074.4</td>
<td>3</td>
<td>8</td>
<td>12</td>
<td>58,920</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>7,495.10</td>
<td>31</td>
<td>106</td>
<td>219</td>
<td>616,046</td>
</tr>
</tbody>
</table>


Another reason for the choice of Nakuru County was also informed by the persisting and frequent ethnic and land based conflicts that involve the indigenous communities (mostly Kalenjin and Maasai) and non - indigenous communities (mostly Kikuyu and Kisii). Such conflicts are attributed to the political class, which has used the issue of land to whip
emotions. This assertion is supported by Oyugi (2002) who explains that from the advent of multi-party era in 1991 and the subsequent multiparty elections in 1992, political leaders saw the introduction of multiparty as an opportunity to call for the return of the indigenous community members to their homeland with the call for *Majimboism* (ethnic regionalism) as the preferred form of government. This call for return to their homeland led to the call for non-indigenous communities to leave since they were considered “outsiders” in the County. Consequently, this resulted to violence in some parts of the County including Maela, Olenguruone, Kuresoi, Kamwaura, Molo, Temunyota, Mau Narok, Mauche, Enoosupukia, which is at the border with Narok County, Njoro, Deffo, Mau Narok, Tipis, Likia and Elburgon. This reached its peak in 2007 with PEV where most communities were affected; where 213 people died and hundreds displaced (Waki Commission, 2008).

### 3.3 Research Design

The study applied qualitative research design to expound the issue of land conflicts and the implications it has on social cohesion in Nakuru County. It employed descriptive approach to show trends, frequencies and identify indicators of land related conflict experiences and how they influence social cohesion in Nakuru County. This is supported by Heppner, Wampold and Kivlighan (2008) who state that qualitative study involves collection of a variety of empirical experiences of a given people, their personal and group experiences, introspection, life story, among others. According to them, this design is aimed at capturing peoples’ points of view through questionnaires, interviews, discussions and observations.

The design was chosen due to the fact that it is not sufficient to quantitatively measure formations of ethnic groups, the number, frequencies and occurrences of cases of violence, evictions leading to insecurities in the region, but it is crucial to show the connection between
coexisting ethnic groups and individuals who are affected by the issue of land ownership disputes. It was found to be suitable in answering pertinent and profound questions pertaining land conflicts and its contribution to social cohesion for a more accommodating society.

To achieve the aims of qualitative research design, the study used descriptive method to describe and elaborate effects of land conflicts and their implications on social cohesion in Nakuru County; to determine how land conflicts show up in human relationships; while the FGDs were suitable for capturing participants’ experiences on land related disputes. The research did not only describe and capture peoples’ experiences, but also evaluated characteristics of land conflicts and their related social problems in order to find out their level of impact on social cohesiveness. It was also used to analyse the role of government and local communities in mitigating land related conflicts; analyse people’s experiences and processes of acquisition and registration of land. The inclusion of the evaluative approach in the study was to proffer possible recommendations which, if implemented, will lead to the solution to the problem under study

3.4 Target Population

Target population for the study was drawn from five selected areas (Maela, Molo, Mau Narok, Keringet and Kuresoi) which are prone to land based conflicts in Nakuru County. In other words, they reflect what is on the ground and the information provided is a reflection of their reality. The target population for the research was 1706 households for unit analysis, as indicated by the data from KNBS (2019), County Commissioners Office, Catholic Diocese of Nakuru (2010) and Catholic Justice and Peace Commission (1993, 2018). And 100 of informants which comprised of political leaders, government officials, land buyers and sellers
and indigenous community members who have never transacted land but their land was taken away during colonial period. Thus, total study population was 1806 (1706 +100).

Table 3.2: Targeted Households for Unit Analysis

<table>
<thead>
<tr>
<th>Sub-County</th>
<th>Clustered Conflict Areas</th>
<th>Selected Area</th>
<th>Households</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Naivasha</td>
<td>Maela</td>
<td>Maela</td>
<td>356</td>
<td>20.9</td>
</tr>
<tr>
<td></td>
<td>Ndabibi</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maai Mahiu</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Molo</td>
<td>Molo,</td>
<td>Molo</td>
<td>349</td>
<td>20.5</td>
</tr>
<tr>
<td></td>
<td>Baraka</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Elburgon</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kiambiriria</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Njoro</td>
<td>Mauche</td>
<td>Mau Narok</td>
<td>304</td>
<td>17.8</td>
</tr>
<tr>
<td></td>
<td>Njoro</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mau Narok</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kuresoi South (Olenguruone)</td>
<td>Kaptagich</td>
<td>Keringet</td>
<td>314</td>
<td>18.4</td>
</tr>
<tr>
<td></td>
<td>Keringet</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kuresoi North</td>
<td>Kuresoi</td>
<td>Kuresoi</td>
<td>383</td>
<td>22.4</td>
</tr>
<tr>
<td></td>
<td>Kiptororo</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nyota</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td></td>
<td><strong>1706</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Source: KNBS (2019), County Commissioners Office Reports, CDN (2010), CJPC Reports, (1993-2010)

3.5 Sample and Sampling Techniques

3.5.1 Sampling Methods

The choice of the sampling techniques was determined by the various demographics outlined in the preceding section. The study was, used the following sampling techniques: snowball, purposive and simple random sampling, all informed by the recurrence of land conflicts in the above mentioned areas. Snowball sampling was applied to elders, who are key informants
considered as custodians of the history of land related matters. Purposive sampling technique was applied to political leaders and government officials in the study area. The choice of these groups was because of their direct involvement in the search for solutions related to land conflicts that undermine social cohesion in the region.

Though the study used simple random sampling to arrive at the targeted households, which were 1706, this technique was applied to ensure appropriate respondents were selected. The criterion used to come up with the targeted households is that the households were victims of land related conflicts, buyers and sellers of land who continue to face land disputes and those who were displaced by land conflicts in the study area. These groups have either directly been affected by land conflicts, or feel contested land occupied by non-locals belong to them.

3.5.2 Sample Size for Households

Sample size determination enables the study to choose the representatives of the population for the study with an intent to reach a generalizable result. The sample size for the study was, therefore, guided by sample size formula by Yamane (1967) as used by Mugenda and Mugenda (2012): \( n = \frac{N}{1+N(e)^2} \) where each of the selected areas was calculated as the ratio of population of the selected area, divided by the total target population, multiplied by the total sample size:

\[
N = \text{Target Population (which is 1706)}
\]
\[
e = 0.05 \text{ (desired accuracy level), and;}
\]
\[
n = \text{the sample size.}
\]

Therefore, \( n = \frac{1706}{(1+1706)0.0025} \)

\[=1706/4.27 = 400\]
It is critical to note that the study put into consideration the sampling techniques used in order to arrive at a significant number of respondents for a sample size. To that effect, sample size for the questionnaire group, which used simple random sampling, was 400 respondents, as calculated above. This group comprised of victims of land conflicts, non-locals who bought land and settled in the area but continue to face conflicts and those who had neither bought nor sold land but were either dispossessed of their land or dislocated.

For interviews, there were ten persons per selected area considered for interviews as key informants. These respondents were selected through purposive sampling. These were government officers dealing with land administration and local administrators involved in land disputes. In this category, 10 respondents were selected, that is, two per selected area, comprising of a Chief or a Sub-Chief and a Lands Officer for each area. Seven of them were male while three were female.

Political leaders were also considered for in-depth interviews due to their role in advocacy in land matters and 15 leaders were selected, that is, three for each area, for both current and former leaders. Out of 15 leaders selected, 10 were male and 5 were female; two were current Members of Parliament (MPs); five were Members of County Assembly (MCAs); three former MPs and five former MCAs.

Lastly, there were elders, who are considered the custodians of history, were selected through snowballing sampling technique. The criterion used to select them was that they had lived during colonial and post-colonial and had witnessed land conflicts in their respective areas or were victims of land conflicts. Based on this criterion, 25 elders were selected, four of whom were women and 21 were male. The total number of key informants were 50.
Additionally, the study targeted five FGDs: two women groups who are victims of land clashes and involved in peace building; two groups advocating for land rights and one group comprising of peace committee members at local level. Each FGD targeted about ten discussants, making a total of 50 discussants. Therefore, the total sample size was 500 as summarized in Table 3.3.

Table 3.3: Sample Size (SS)

<table>
<thead>
<tr>
<th>Sub-County/Constituency</th>
<th>Selected Area</th>
<th>Target Pop. (households)</th>
<th>SS calculation for Q* - group</th>
<th>SS I* FGD*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Naivasha</td>
<td>Maela</td>
<td>356</td>
<td>356/1706x400</td>
<td>83 10 10</td>
</tr>
<tr>
<td>Molo</td>
<td>Molo</td>
<td>349</td>
<td>349/1706x400</td>
<td>82 10 10</td>
</tr>
<tr>
<td>Njoro</td>
<td>Mau Narok</td>
<td>304</td>
<td>304/1706x400</td>
<td>71 10 10</td>
</tr>
<tr>
<td>Kuresoi South (Olenguruone)</td>
<td>Keringet</td>
<td>314</td>
<td>314/1706x400</td>
<td>74 10 10</td>
</tr>
<tr>
<td>Kuresoi North</td>
<td>Kuresoi</td>
<td>383</td>
<td>383/1706x400</td>
<td>90 10 10</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td><strong>1706</strong></td>
<td><strong>400</strong></td>
<td><strong>50</strong> 50 50</td>
</tr>
</tbody>
</table>

**TOTAL SAMPLE SIZE** 500

Source: Researcher’s Construct, (2019)

Key: *Q -Questionnaire, I - Interview, FGD - Focused Group Discussion

3.6 Methods and Instruments of Data Collection

To get comprehensive information of the study problem, the research used four methods for data collection: a structured questionnaire, scheduled interviews, FGDs and observations.

3.6.1 Structured Questionnaires

The study employed questionnaire as a tool for collecting data. This was because the instrument enabled the researcher reach a large geographically dispersed respondents at a low
cost. Since the matter on land and violence in the region is sensitive, the questionnaire also enabled the informants to respond without being coerced. The questionnaire was used to collect information and views from respondents affected by land conflicts; it targeted both the locals and non-local community members who are victims of land based conflicts, buyers and sellers of land affected adversely by land conflict dynamics and those who have never transacted on land and were either dispossessed of their land, affected by land policies and legal frameworks or have inheritance disputes. This category of respondents was identified through simple random and purposive sampling methods. To enable the researcher bridge the language barrier and reach out to all selected areas, research assistants were used. The assistants were trained before being deployed to the field for data collection and explained the questionnaire to informants who were unable to understand well the English language.

3.6.2 Interview Schedules

The research used interview guide to generate discussions with key informants who included government officers, elders and political leaders, who were considered key informants due to their informed knowledge, experience regarding the issue of land conflicts and social cohesion in the County. The interviews also offered informants the opportunity to freely offer their opinions, knowledge and experiences on issues of land in the area. Government officers were selected since they deal, on a day to day basis, on land issues and handling land based conflicts; the elders were selected due to their experience on land matters and are also custodians of history as far as land conflicts are concerned. Political leaders, on the other hand, were selected due to their role in advocacy of issues affecting their community, with land matters being a key issue and they are also key agents in land conflicts.
3.6.3 Focused Group Discussions

The use of FGDs was because of its engaging character on land matters and disputes; it was also because it involved homogeneous groups: women, who were victims of violence, interest groups that were involved in advocating for land rights and groups involved in peace building. FGDs were based on the study themes: historical development of land disputes; land tenure systems; challenges in attainment of secure land ownership; land dispute resolution mechanisms and community involvement for social cohesion. This enabled the study to generate objective qualitative results for the study. The discussions aimed to get in-depth understanding of the attitudes, beliefs, behaviours, motivations and perceptions on the subject matter of this study through follow up questions and probing.

3.6.4 Observation

The study further used observation method to collect information of qualitative nature. The researcher and research assistants observed the language used to by respondents especially while referring to members of the other community, settlement patterns to indicate level of integration and other observable elements. The observable elements were recorded, analysed and presented in the findings. Collection of information using observation method was guided by a checklist indicated in Appendix V. This helped to disclose issues that the communities in the area did not want to disclose. For example, the study was able to observe the flaring emotions of the respondents when some questions were posed especially regarding the ‘other’ parties, non-verbal communications, among other observable traits, which helped to understand better the issue being studied. The use of observation is supported by Gillham (2008) who indicates that observation reveals peoples’ emotional reactions which are
significant in coming to know the subject of the research. The researcher improvised a checklist of indicators to observe during interviews.

**Table 3.4 Summary of Methods, Instruments, Samples and Responses**

<table>
<thead>
<tr>
<th>Data Collection Method</th>
<th>Data Collection Instrument</th>
<th>Nature of Sample</th>
<th>Sample Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Questionnaire</td>
<td>Questionnaire</td>
<td>Households from five Selected areas</td>
<td>400</td>
</tr>
<tr>
<td>Interviews</td>
<td>Interview Guide</td>
<td>Government officers Political Leaders Elders</td>
<td>10 15 25</td>
</tr>
<tr>
<td>FGDs</td>
<td>FGD Guide</td>
<td>Groups of between 6 to 10 respondents</td>
<td>5 groups (50 discussants)</td>
</tr>
</tbody>
</table>

Observation Checklist observations
Total 500

Source: Researcher’s Construct, 2019

3.7 Piloting

Adhering to scholars in research on the relevance of piloting (Orodho, 2008), a pilot study was undertaken to establish reliability and validity of the research. The pilot study was done at Burnt Forest area in Uasin Gishu County. The area was chosen due to incessant land conflicts between Kalenjin and Kikuyu communities, like the areas selected for the study in Nakuru County. Additionally, Uasin Gishu County has similar realities with Nakuru County as far as land conflicts are concerned.

Twenty questionnaires were issued to victims of land conflicts in the area, out of which, five were returned. There were also five persons interviewed comprising of: A sub-chief, two political leaders and two elders. There was one FGD comprising of five persons who were advocating for a peaceful co-existence. The results were analysed using SPSS software
Version 23. The findings of the pilot study were found to be similar to the ones in this study as discussed in chapters four and five based on the objectives of the study. From the analysis of data, a few adjustments were made to the questionnaire to improve it before data collection phase in Nakuru County.

3.8 Validity of Research Instruments

An instrument is a key tool for any research and its validity is as critical for it to achieve desired results. Validity is the degree at which a research instrument measures what it ought to measure (Borg and Gall, 1989). According to Gali (2011), validity is more of interpretation or of a specific aim of the assessing instrument with particular settings and learners, rather than the property of the tool itself.

This research applied content validity, since it measured the extent to which the sampled out items, form a representation of the content which was to be measured. To achieve this, the validity of the instruments was improved through the judgment of expert by discussing the instruments with supervisors prior to the field study and the study’s findings with them as well as well as with some colleagues from the department, in order to confirm whether the items in the instrument represented the concept of research accurately.

3.9 Reliability of Research Instruments

Having established the validity of research instrument, the researcher sought to assess its reliability since it is a critical component of the instruments. According to Mugenda and Mugenda, (2003), reliability in research measures the extent at which a research tools produces consistent results after a number of trials. An instrument is assessed to be reliable it reflects consistency and replicability over time and under similar conditions and is free from
measurement errors. This study used internal consistency method to test the reliability of instruments aided by the Split Half Technique. This encompassed having two sets of responses and the scores from two sets were given separately. A reliability coefficient was then obtained using the Spearman Brown formula:

\[ X_{yy} = \frac{y(x_{11})}{[1 - (y-1)\times x_{11}]} \]

Where:

- \( X_{yy} \) = reliability of a test “y” times as long as the original test,
- \( x_{11} \) = reliability of the original test (e.g. Cronbach’s Alpha),
- \( y \) = factor by which the length of the test is changed. To find y, divide the number of items on the original test by the number of items on the new test. If you had 10 items on the original and 20 on the new, \( y \) would be \( 20/10 = 2 \). According to Kumar (2009), a minimum correlation coefficient of 0.65 is recommended.

The correlation co-efficient for this study was 0.77/1.0, which was achieved by the use of the Spearman Brown formula discussed above, indicating that the instruments used were reliable.

### 3.10 Data Analysis and Presentation

As pointed out in the research design, data was analysed by use of qualitative approach. The whole process of data analysis and presentation was guided by the substantive research objectives. Collected data was analysed using descriptive statistics and content analysis. Data collected was subjected to SPSS Software, Version 23, to aid in analysis and was then presented in terms of frequency distribution tables, bar graphs, pie-charts, as well as narrative and verbatim reports.
Descriptive statistics were used to explain individual experiences, feelings, reaction of the respondents on the various indicators of the study. That is, it described the frequencies and percentages incidences that undermine the intent of the study on land conflicts and social cohesion. In the entire data analysis, the researcher focused on content analysis of the various themes since it identified emerging social issues that undermine substantively the social integration of communities for a collective progress of ethnic groups in the study area. Collected data was coded, analyzed and presented in form of charts, graphs and distribution tables for better presentation. Neuman, (2000) defined coding as the process of forming materials into smaller elements or chunks before giving meaning to them by analyzing them.

3.11 Data Collection Process and Ethical Considerations
Considering the polemics around land ownership in the area, and sensitivity of it, the researcher adhered to ethical principles of research. This ensured the integrity and objectivity of the study findings (Yadette, 2006). Prior to proceeding for field research, all the required permission documents were sought: First, an Introductory Letter from Kisii University’s Research and Extension Department presented to National Council for Science, Technology and Innovation (NACOSTI), for necessary authorization and permit to conduct the research in Nakuru County; Letters of authorization from Nakuru County Commissioner and Nakuru County Education Officer were sought. The study was conducted under the principle of informed consent, confidentiality and anonymity. The respondents deserved to be informed and provided with facts on the research to assist them in making informed decisions on whether to participate in or not. Respondents were given assurances that the information they were to provide would be confidential and used solely for academic purposes to seek solution to land conflicts. This helped win their confidence and trust and accepted to be part of the
research team and were hence considered to be part of the solution to the problem of land conflicts for social cohesion.

Participation of respondents in collection of data was therefore voluntary and the participants were familiarized with the objectives of the research and were urged to be free to give information they consider important without fear. Due courtesy was conferred to all the participants and respect for community diversity in the region was observed and discretion was strictly observed. The researcher ensured the safety of the respondents, and that there was no psychological or physical harm during data collection phase, especially for FGDs, which sometimes turned to be emotional. This was realized by avoiding inciting and embarrassing questions or frowning and expressing disgust especially to victims of land conflicts. Respondents were given freedom to withdraw from the process of collecting data, however, none of them did so. The study findings were subjected to plagiarism detection as is required by the University before its submission for examination.
CHAPTER FOUR
RESULTS DISCUSSION, INTERPRETATION AND PRESENTATION

4.1 Introduction

This Chapter discusses, interprets and presents the findings of the research, based on the data collected. It starts by indicating the response rate and demographic characteristics of respondents to provide the basis for the findings and discussion. The data collected outlines the main findings based on historical development to land tenure disputes; deployed land Tenure Systems and its implications on social cohesion; impediments to secure land ownership and measures for effective resolution of land conflicts for social cohesion in Nakuru County.

4.2 Response Rate

As indicated in previous section, the sample size of the study was 500 respondents, who included 400 from the questionnaires targeting victims of land based conflicts, buyers and sellers of land affected by conflicts and those who have never transacted on land yet they are affected due to loss of land, dispossession or disinheritance. There were also 50 from interviews of elders, political leaders and government leaders involved in land matters in the County, as well as 50 discussants from five FGDs. Table 4.1 gives a summary of the response rate against the sample size.
From Table 4.1 above, there were 369 informants who responded to the questionnaire out of the 400 that were distributed, representing a 92.3% response rate. For the interviews, 44 key informants out of 50 participated, representing a return rate of 88% while for the FGDs, there were five groups, one for each selected area, with a total attendance of 37 participants out of the 50 who were expected, which is 74% response rate. In total, there were 450 respondents out of the sample size of 500, a response rate of 90%. The high response rate is an indicator of...
the authenticity of the study findings and the interest the study population has in finding solutions to land conflicts in the area for social cohesion and co-existence.

4.3 Demographic Characteristics of Respondents

Having established the study’s response rate, the research sought to establish demographic characteristics of the respondents, with an aim of understanding their plight in situations of land related conflicts thereby affecting social coexistence. The elements of the respondents discussed in this section include gender, age group, marital status, period of residence in the study area and ethnic affiliation. The researcher explained how these demographic characteristics are relevant to the study in the following sections.

4.3.1 Distribution of Respondents by Gender

The issue of gender and land in Nakuru County is critical since some of the land in contestation, was originally allocated by the government to women, who came from other regions of the country, particularly from Central Kenya. Therefore, each of the respondents was asked to indicate his/her gender in order to establish the condition and process of land owned by each of them as indicated in Figure 4.1.

![Gender of the Respondents](source: Field Data, 2019)
Figure 4.1 above indicates that 76% of all 450 participants were male, while 24% were female. The difference could be informed by the fact that most of household heads, who are the owners of land in most cultural settings in Kenya, are male. This is confirmed by the World Bank (2018) report which indicated that culture often takes precedence over the law when it comes to land ownership and as such, men are considered owners of the land in most African patriarchal cultures, where women are considered as their helpers and not the owners of land.

The study found out that in the Rift Valley region, especially in Nakuru County, the first president of Kenya allocated land to Kikuyu women and not men, which in itself goes against the cultural set up of the society. These attitudes bring about conflicts among society where efforts are made to disposes women of their land. Women and children are the most affected whenever there is a land related conflict; they are evicted from their lands and separated from their husbands as it happened in 1992, 1997, 2007 post-election violence in the region. This cultural attitude of the local communities was challenged by the World Bank and practically reiterated by the Constitution (2010) by allowing women to own land. Thus, the eviction of women from their lands is a contra-position which is a violation of the constitutional mandate and the entitlement theory employed in this study.

4.3.2 Distribution of Respondents by Age Groups

The research further endeavoured to find out the age of the respondents, who were also land owners in the area. This helped the researcher to understand the historical and experiential knowledge of land disputes manifested in the region. Furthermore, it helped in identification of elders through the snowballing sampling technique as pointed out in Chapter Three. Table 4.2 indicates the results:
Table 4.2: Age Groups of the Respondents

<table>
<thead>
<tr>
<th>Age</th>
<th>Respondents</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 - 30</td>
<td>71</td>
<td>15.78</td>
</tr>
<tr>
<td>31 - 40</td>
<td>135</td>
<td>30.00</td>
</tr>
<tr>
<td>41 - 50</td>
<td>107</td>
<td>23.78</td>
</tr>
<tr>
<td>51 - 60</td>
<td>78</td>
<td>17.33</td>
</tr>
<tr>
<td>above 60</td>
<td>59</td>
<td>13.11</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>450</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

*Source: Field Data, 2019*

The results indicate that respondents of age group between 31 – 40 years were the highest number with 30%; 23.78% were of the age bracket of 41 – 50 years; those at 51 – 60 group formed 17.33%; those between 18 – 30 years formed 15.78% and those above 60 group formed 13.11%. This is an indicator that most of the respondents were relatively young such that land related conflicts directly affect the greatest number of the young population, thereby adversely affecting social capital fabric of the region. This corresponds to study by FARMUP (2015) which established that the average age in Nakuru was 47.06 years, majority of whom engaged in small-scale farming with a mean average of 3.48 acres of land, an indicator of a relatively youthful population engaged in various socio-economic activities of the region including agriculture.

4.3.3 Distribution of Respondents by Marital Status

Marital status is a critical element in land conflicts, especially when it involves members of the same family. The respondents, therefore, were asked to indicate their marital status and the results are indicated in Figure 4.2.
From Figure 4.2, majority of the total 450 respondents, 75.55% were married, 14.18% were single, and 7.02% were widowed, while 3.39% were divorced. The study found that there were land ownership disputes within the same family members. In other instances, there were land inheritance disputes in polygamous families or in cases of divorce, all of which constitute intra-family land disputes, which sometimes lead to division of families, enmity and family violence leading to deaths. Land is usually given to the sons in the family as a cultural practice, as informant X in the interview schedule explained:

1In most cultures in Africa, the father bequeaths land to his sons rather than to his daughters. This is because the daughters will be married off and will have no claims to land from the family they were born. They find property in the families they are married since that is their new home. In cases where the daughters are not married, they inherit the family house and any other property that their father would wish to give them. In case of polygamous family, the man would divide his property to his wives and if he so wishes, to his sons. However, things have changed nowadays and families are fighting for land even when their father has not divided it. It is worse
when the man dies before dividing his land property since it mostly becomes contested, leading to intra – family land conflicts. (Land Inheritance)

The sentiments by the Informant X are reflective of how communities in Nakuru bequeath land as an inheritance to their children. However, Article 60 of the Constitution articulates equal sharing of property including land during inheritance, without any form of discrimination including one’s gender, marital status.

Sometimes one’s marital status is a contributory factor in intra-family land conflicts, hence the importance of bonding among family members as discussed in the social capital theory guiding this study. The study found out that whenever there arises land related conflicts, it is families or the family fabric that is affected, as Informant X from the interviews stated:

Whenever there are conflicts or violence related to land, people see the community as the victims. However, the baseline is that individual families are the one that suffer. They are left to bear the burden in case one of the family members is killed or injured in such conflicts. Children become orphans or partial orphans and may never live an ordinary life since they may lack food, shelter, education and other necessities of life. However, the affected community will come out of the conflict and move on, but the family is affected negatively by the conflict forever. (Land Conflicts)

4.3.4 Respondents’ Level of Education

Education forms a critical factor for the respondents in the study. The informants were asked to indicate their level of education and Table 4.3 below indicates the results.

Table 4.3: Respondent’s Level of Education

<table>
<thead>
<tr>
<th>Education Level</th>
<th>Respondents</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>University or College</td>
<td>122</td>
<td>27.11</td>
</tr>
<tr>
<td>Secondary</td>
<td>173</td>
<td>38.44</td>
</tr>
<tr>
<td>Primary</td>
<td>111</td>
<td>24.70</td>
</tr>
<tr>
<td>Non-Formal</td>
<td>44</td>
<td>9.75</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>450</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Source: Field Data (2019)
The results indicate that majority of the respondents, 38.44% had achieved secondary school education, while 27.11% of the respondents had university education, 24.70% had primary school level of education and 9.75% had non-formal education. In total, 90.25% of the respondents had formal education and these findings correspond to other researches such as FARMUP (2015), who found out that Nakuru County had about 94.70% who had formal education; Kipkemoi (2015) who found out that 90% of Nakuru residents had formal education; KNBS and SID (2013) who put education level at 83%.

The findings on the level of education was important in this study because it showed that most of the respondents were conversant with the issues asked in the questionnaires and needed minimal assistance; they were able to comprehend the issues during interviews and FGDs. Those who had informal education needed assistance to understand issues required in the questionnaires, in interview schedules and in FGDs. It was important to point out that informants with informal education had more understanding of land issues, which was attributed to their everyday engagements in the area. Education is important since it helps the informants to be informed of current issues, documents and values related to land (allocation and ownership) and formal procedures to be followed in resolving land related conflicts. It helps the people to be informed of their rights that are sometimes violated in land conflicts.

### 4.3.5 Period of Residence in Nakuru County

The period the respondents have lived in the area of study is critical because of the experiences they have of land related conflicts in the area. The respondents were also asked to indicate the number of years they have resided in Nakuru County and the results are indicated in Table 4.4.
Table 4.4: Period of Residence

<table>
<thead>
<tr>
<th>Years lived in Nakuru</th>
<th>Respondents</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 10 years</td>
<td>60</td>
<td>13.33</td>
</tr>
<tr>
<td>11 - 20 years</td>
<td>111</td>
<td>24.67</td>
</tr>
<tr>
<td>21 - 30 years</td>
<td>132</td>
<td>29.33</td>
</tr>
<tr>
<td>31 - 40 years</td>
<td>78</td>
<td>17.33</td>
</tr>
<tr>
<td>above 40 years</td>
<td>69</td>
<td>15.34</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>450</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Source: Field Data, (2019)

The results indicate that majority of the respondents, 29.33% resided in Nakuru County for about 30 years; 24.67% had resided in the county for about 20 years; 17.33% resided in the county for time not exceeding 40 years; 15.34% had lived for more than 40 years while only 13.33% had lived in the county for a period not exceeding 10 years.

These findings imply that majority of the respondents lived in the county for more than 10 years, hence they had knowledge and experience of persisting land based conflicts in the county. They were able to recount their lived experiences of the various conflicts encountered in the region, and how such conflicts contribute to erode the social fabric among communities.

The lived experience gives authentic information to the study. According to Pantuliano (2009), experiences of conflicts are based on the period lived in a conflict area and such people are custodians of history of land conflicts and how they affect the social wellbeing of the affected communities.

4.3.6 Distribution of Respondents by Ethnic Affiliation

Nakuru is considered one of the most cosmopolitan Counties in the Rift Valley region, with almost all communities in the country residing in the County. Most of the land conflicts
reported in the County have been inter-ethnic. The respondents were therefore asked to indicate their ethnic affiliation. Table 4.5 reveals the results.

**Table 4.5 Ethnic Groups of the Respondents**

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kalenjin</td>
<td>150</td>
<td>33.33</td>
</tr>
<tr>
<td>Maasai</td>
<td>80</td>
<td>17.78</td>
</tr>
<tr>
<td>Kikuyu</td>
<td>133</td>
<td>29.56</td>
</tr>
<tr>
<td>Kisii</td>
<td>56</td>
<td>12.44</td>
</tr>
<tr>
<td>Others</td>
<td>31</td>
<td>6.89</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>450</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Source:** Field Research (2019)

Table 4.5 reveals that most of the respondents, 33.33% were from the Kalenjin community, 29.56% from the Kikuyu community, 17.78% were from the Maasai community, 12.44% from the Kisii Community while the rest (Luo, Luhya, Meru, Embu, Kamba) were at 6.89%.

Knowledge of the ethnic affiliation of the respondents was crucial in this study since land conflicts in this area majorly involve these communities. They have always taken ethnic dimension, where some are considered the real owners of the land while others are regarded intruders or invaders. Such dichotomy in essence affects social relations of the affected communities and can be a critical catalyst for land related clashes (Boone, 2012).

### 4.3.7 The Origin of the Respondents

Having established respondents’ ethnic affiliation, the study sought to know the origin of the respondents in order to find out whether they were indigenous or non-indigenous as pointed
out in the preceding section. The respondents were, therefore, asked to indicate whether they were indigenous/natives of the area or not. The findings are exposed in Figure 4.3:

![Figure 4.3](image_url)

**Figure 4.3.** Respondents’ Origin

(Source: Field Data, 2019)

Figure 4.3 reveals that 52% of the total participants (450) indicated that they were indigenous and cultural owners of the land in the area; that their lineage can be traced in the area; while 48% of the respondents indicated that they were originally from areas outside the area of study, within the country. They came in the region to settle when their grandparents bought the land and some settled in the area because the land in the settlement schemes was allocated to them by the government. One of the Informants in interview schedules, (X15,) stated:

1. I was allocated this land by the government in 1964, after independence from the Central region. Our ancestral homeland had been taken away from us by colonial administrators and though we thought it would be returned to us after independence, but some of the political elite occupied the land. As a compensation, they settled us here in Molo, where we now call home. Am an old man and I have witnessed conflicts and violence over land in this area that have destroyed social relations and causing suspicion and mistrust among communities living here. If peace has to prevail, we have to co-exist with the people we found here. *(1land allocation, 2Politics)*
This finding implied that some found themselves in the region through normal human social migration, others through political arrangements. Fundamentally, this division of origin shows how they socially regard each other as the study showed later in the subsequent sections.

4.4 Historical Development to Land Disputes

The first objective for this research was to establish historical development of land disputes and their implications on social cohesion in Nakuru County. The literature reviewed on this theme as indicated in Chapter Two section 2.6, expounded on the historical perspectives of land disputes from pre-colonial period to date. Data collected using questionnaires, interviews and FGDs was presented and discussed under the following sections:

4.4.1 Causes of Historical Land Disputes in Nakuru

The participants were requested to identify the causes of historical land disputes in the County. Based on the principle of causation, every cause has an effect and as Aristotle states, knowledge of things are known only when the causes are established (Falcon, 2019). Identified causes were grouped, their percentages calculated based on total responses and presented in Figure 4.4.
From Figure 4.4, the respondents from the questionnaire category identified the following factors as the main causes of historical land disputes and conflicts in Nakuru County.

Divisive Politics was identified as the leading cause of land disputes in the County, at 23.60%. These findings are in tandem with research by Kipkemoi (2015) who identified political factors as the leading cause of conflicts in Kuresoi North Sub-County, Nakuru County at 52.5%, others being economic and social cultural factors. Similarly, Kimenyi and Ndung’u (2006) found out that most clashes in Rift Valley occurred during general elections since 1992 and in periods when there was no physical violence; tensions persisted before and after the elections.

From the observations of the study, there were indications of tensions building up among the communities over the 2022 general elections. This was also evident among majority of the key informants interviewed (about 60% of key informants), as noted by a key informant (X7) a Kikuyu elder from Kuresoi stated:

\[1\] Most of what happens here politically is determined by political decisions of our leaders in Central Kenya. In 2013 and 2017 we were in the same political
vehicle with our brothers from the Kalenjin community and these ensured relatively peaceful situations in the two political seasons. At the moment, we are worried of what will happen in 2022 general elections given the current political undertones. We have been informed by our Kalenjin brothers that lazima turudishe mkono (we must reciprocate political support) failure to which hakutakuwa na amani (there will be no peace). This is making us worry since such undertones preclude ethnic violence during general elections as happened in 1992, 1997 and 2007 that harmfully divided communities and families. (1Politics)

The sentiments were re-echoed during all the five FGDs, where divisive politics was identified as the leading trigger to land conflicts in the County. The groups identified ongoing political meetings and rallies, focusing mostly on 2022 elections, casting political aspersions under the pretext that political unity between the Kikuyu and Kalenjin is being tested. One informant in one of FGDs, Y₁₂, stated:

1Some people may think that there is peace in the County because there was no violence during elections, but they must know people are continuing to suffer because the land issue has not been resolved. We expected that there will be solution to the problem when we came together in the political alliance in 2013 and 2017 but we feel disappointed that nothing much has been achieved. There are still no prospects of the issue being resolved in 2022. We must protect our land because we know the plans our (Kalenjin) brothers have for 2022 and we will not let our land be taken the way they did in 2007. (1Politics, 2Land Resolution)

Apart from political meetings, political leaders also use social places to discuss political matters touching on historical land disputes. One of the political leaders in Olenguruone was heard by the researcher in a club telling a group of ten young men:

1We shall not rest until we reclaim our ancestral land. The government we voted does not seem to care about the land issue and are not doing anything even as our people are being evicted from Mau. People feel that as leaders we are failing them if we do not give them direction. We shall not move out of Mau and people must be ready to defend our ancestral land when called upon to do so. The youth listened to him with keen interest. (1Politics)
From the researcher’s observations, their emotions changed and they appeared ready to do anything that the politician stated. He gave them Kshs. 5000/- to divide among them when he was leaving. This is what politicians do, which is incitement and it becomes intense during general elections. From the ensuing discussions, it is clear that politics and land conflicts are inseparable. Politics plays a negative role in land conflicts that leave families displaced, hatred and mistrust; politics are used to divide communities through incitements for political expediency. However, politics can be used effectively if used to harness policy reforms in the land sector, stir the involvement of members of the public in finding solutions to land issues as well as bringing communities together to promote social cohesion, in line with the social capital theory that calls for the harnessing of societal elements such as politics for cohesiveness in the society.

Negative Ethnicity is another key factor identified by most respondents, at 21.70% to be the cause of violence and tensions in the region. Ethnicity is used as a tool to fight other communities, deny them opportunities and discriminate against them in the offering of basic services. This has made the communities in the region to have a negative connotation of ethnicity. Ethnicity and politics go hand in hand and this is attested by Oyugi (2000), who argues that ethnicity *per se*, is a positive thing, but when it is politicized, then it becomes negative. Interviews with key informants revealed that despite efforts to correct negative ethnicity through the creation of NCIC, nothing seemed to change. Key informant X18, an elder from Kisii community in Kuresoi North stated:

1Negative ethnicity is a national cancer that is killing the nation. One cannot get services without being looked with the spectacles of ethnicity. Employment opportunities at Nakuru County Government are only by two dominant communities and minorities are denied opportunities because they don’t belong to either Kikuyu or Kalenjin communities. We have also suffered
during general elections by virtue of belonging to a different community, which has left us resentful to those who mistreated us. Where shall we resort to? Unless we abandon this notion of negative ethnicity which is ingrained in all our realms, our societal and national values will be compromised. (1Ethnicity, 2Politics)

The findings above are also stayed by Waki (2008), who was the Chairperson of the Commission of Inquiry into Post-Election Violence, who established ethnicity as the main cause of conflicts in Nakuru, with land issue as the underlying factor, with politicians being identified as key agents to these conflicts by promoting negative ethnicity. From the discussions, it can be concluded that negative ethnicity is a major cause of historical land disputes that continues to negatively dominate social relations in the region, thereby creating inequalities, injustices and discrimination among existing communities. Politicians have consistently utilized the issue of land to perpetuate negative ethnicity for their own political benefits. This destructive political arrangement is against the social capital theory which is guiding this study that calls for connectedness of diverse communities for a cohesive accommodating society.

Corruption was also identified as a major cause of historical land disputes, at 16.80%. Corruption constrains secure land ownership as evident in ‘British collaborators’ who were allocated big chunks of land as an ‘appreciation’ for their ‘co-operation with the ruling colonizers (Syagga, 2011). The vice continued in post-independence period where the Kenyan ruling class allocated themselves large portions of land obtained from white settlers, which was to benefit the landless in the region. But this generated and sustained reactionary conflicts from the local communities to date. During interviews, one key informant, (X21), a Luhya elder from Molo indicated:
Corruption is a major issue not only in Nakuru, but nationally. We can see what is happening to the issue of Arorr and Kamwerer dams in Elgeyo Marakwet County and even our own dam under construction in Kuresoi. It is difficult to get services if you don’t ‘oil’ the hands of those offering the services. I have been going to and from the Lands Office in Nakuru for registration of my piece of land but am informed by some of whom have got the documents that *lazima utoe kitu kidogo mambo yako yatembee kwani hii ni Kenya bwana* (that you have to give bribes for your plans to work since this is Kenya). However, when members of a particular community come for services here, they are served promptly and their land ownership documents are processed fast. (Corruption)

The finding is in tandem with Akiwumi (1999), Ndung’u (2004) and Waki Reports (2008), which identified corruption in land administration, allocation, registration, titling, among others as a major cause of conflicts in the country. They blamed corruption in the land sector as a key driver in ethnic conflicts witnessed in the country at different periods that have unfavourably disconnected communities from each other.

During all the 5 FGDs, discussants identified the following as manifestations of corruption in land issues affecting social cohesion: inducements in the processing of titles and other ownership documents, illegal land allocation that undermines members from other communities, double land allocation to individuals and their family members, land grabbing and dispossessing those who legally owned it, encroachment of public land, among others. Corruption is, is a major issue and a contributor to historical land injustices, inequalities, discriminations, loss of land and other effects. Corruption, as a factor of injustices and inequalities, goes against the theory of entitlement, which calls for fairness and justice in ownership as used in this study. in as long as it leads to insecure land ownership, it perpetuates land conflicts, leading to negative social cohesion in Nakuru County.
Inheritance Land Disputes were identified as major causes of land disputes in the County, with 13.20% of the respondents. Inheritance mostly affect members of the same family or community, hence a manifestation of intra-family or ethnic land conflicts. Inheritance involves transfer of land or other assets from parent to a child or other dependents or persons of choice and the property so given, is considered legally owned (Gaafar, 2014). Inheritance to land and other assets is protected by the Constitution (2010), Land Registration Act, (2012); Land Act, (2012); Community Land Act, (2016); among other legislations. Despite this, there are disputes arising from inheritance as some people deny the heirs to the property their rightful share. This is attested by an interview from Key Informant X, a victim of inheritance dispute in Njoro, whose mother had bequeathed some land before her demise, however, her clan protested, stating that she did not own the land since the customs of the Kikuyu community do not permit her to own land, who stated:

1I was denied ownership of the land given to me by my mother on the grounds that the customs of my community do not allow women to 2 own land, in effect stating that my mother did not own the land. However, on further investigations, I found out that one of the elders registered the land under him with an intention of selling it. This is utter greed where some people use outdated customs to grab land. This is unacceptable since this has created animosity among families involved and the clan at large. I will pursue it to its conclusion and ensure my family gets the rightful share.

(1Land ownership, 2Land inheritance)

The issue of land inheritance was also noted as a significant cause of disputes by four out of the five FGDs. The discussions identified women as major victims of land inheritance issues due to some cultural ownership norms that prohibit women from owning land. This argument was enforced by Ndunda (2019) who stated that customary norms give women secondary rights to land and property ownership. He identified this as the reason as to why despite there being around 32% of Kenyan households being headed by women, it is only 1% of them who hold land
titles in their own names. Land inheritance issues are a major cause of land conflicts, especially among members of the same family or clan. Inheritance disputes, though at a micro-level in the society, has effects in the community due to the interconnectedness that exists in the society, as is informed by the social capital theory, leading to a weakened social cohesion.

Colonial Legal frameworks, Policies and Historical Injustices were was identified as another cause of historical land disputes by 12.40% of the respondents. Historical injustices have continued to affect land disputes to date. This can be tied to colonial land laws and policies stipulated in Land Acquisition Act (1894), Crown Lands Ordinance, (1902); Crown Lands Ordinance, (1915); Kenya Native Areas Ordinance of 1926, among other laws. The implementation of these laws led to dispossession of land from the locals, dislocation of people from their native land, resettlement of some of these people in lesser fertile land, while others remained landless. In regard to this, one key informant, X22, one of the elders in Kuresoi, who was a young man when his family was dislocated from their land in Molo around 1937, stated:

Colonial administrators had no regard for Africans and made laws that favoured them. When we were moved from Molo, we were to be taken to a land reserve in Rongai, but my parents refused. My mother went along with us to live with our aunt in Olenguruone while my father escaped and came back after about 15 years. He lost his land due to colonial laws and he died a poor and bitter person. I always feel bad when I pass through the land that we lost, which was sold after colonialists left. If I am strong, I would fight for it but I know I will die a bitter person just like my parents due to these injustices. (Colonial land frameworks)

During discussions, all the five FGDs reiterated that colonial land laws and policies as the leading cause of dislocation of people from their land, as exemplified by one of the discussants in Molo argued:
Failure to address land issues immediately after independence and unwillingness of subsequent regimes to bring solution to the problem are the main reasons as to why the issue remains unresolved. The base of these problems is the colonial government that presided over dislocation of people from their land, forceful acquisition of land, evictions and displacements. Colonial land laws discriminated against community land, and their implementation led to loss of land by the locals. (Land resolution, Colonial land frameworks)

The above findings resonate with Nyukuri (1997), who found that colonial legacy, especially their policies on land, was the basis for most of historical injustices and subsequent post-independence land related conflicts that adversely affect the social fabric of communities in Kenya. From the findings, it can be deduced that colonialism continues to have imprints on the current land conflicts with implementation of colonial legal frameworks and policies on land, whose implementation led to historical land injustices. This continues to be witnessed to date, since these disputes remain unresolved, with negative implications such as marginalization, poverty and exclusion that are inimical to social cohesion.

Other factors identified by respondents as causes of historical land include: lack of land identification documents; dependence on land based economy which influences the thinking of the people that to have land is the only source of wealth; poor policies by governments on land which impedes resolution of historical land injustices leading to more land conflicts; boundary disputes over unclear land boundaries; population increase which puts pressure on the available scarce resources, leading to conflict as people compete for these resources. These factors, though not as prominent as other factors discussed, contribute to land conflicts in the County. They also affect interactions and coexistence among communities in the County, hence affecting social cohesion negatively. Additionally, these factors are not in
tandem with the principles of social capital theory and entitlements theories which are guiding this research since they contribute to conflicts rather than promote social cohesion.

4.4.2 Respondents’ Level of Agreement to Historical Land Dispute Issues

Having established the historical causes to land conflicts, the respondents from the questionnaire category were asked to express their level of agreement to given issues on historical development of land disputes. To realize this, the study employed a Likert scale approach, as represented regressively by numbers 5 – 1, with 5-Strongly agree; 4-Fairly agree; 3-Disagree; 2-Strongly disagree and 1-Don’t Know, as indicated in table 4.6.

Table 4.6: Level of agreement to Historical Land Disputes Issues

<table>
<thead>
<tr>
<th>Issues</th>
<th>5</th>
<th>4</th>
<th>3</th>
<th>2</th>
<th>1</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>There were few or no land disputes before colonialism</td>
<td>R-165</td>
<td>129</td>
<td>36</td>
<td>28</td>
<td>11</td>
<td>369</td>
</tr>
<tr>
<td>Colonial land policies is the underlying cause of historical land injustices</td>
<td>R-204</td>
<td>82</td>
<td>26</td>
<td>49</td>
<td>8</td>
<td>369</td>
</tr>
<tr>
<td>Resettlement programs in post-independence Period negatively affect co-existence</td>
<td>R-155</td>
<td>58</td>
<td>129</td>
<td>17</td>
<td>10</td>
<td>369</td>
</tr>
<tr>
<td>Successive political regimes have not Done enough to tackle historical land Injustices</td>
<td>R-202</td>
<td>102</td>
<td>27</td>
<td>25</td>
<td>13</td>
<td>369</td>
</tr>
<tr>
<td>Average</td>
<td>R-181.5</td>
<td>92.75</td>
<td>54.5</td>
<td>29.75</td>
<td>10.5</td>
<td>100</td>
</tr>
</tbody>
</table>

Key: R – Respondents, %-Percentage

Source: Field Data (2019)

As revealed in Table 4.6, most of the respondents, 44.71% indicated strongly that before colonial period, there were few land disputes, while 34.96% fairly agreed to it; this means that about 79.67% of the participants, agree to the assertion that there were few land disputes before colonialism in Nakuru County.
The reason given for fewer cases of conflicts in the pre-colonial period was that local populations were small and that land was a communal property under the custody of community elders; further, land was not a commodity to be traded with. This implied that land was accessible to everybody who needed it, such that resettlement for the few aggrieved parties was not a personal but a community issue, which needed the participation of all members of community, unlike, today, where land has become a scarce resource with increased communities’ scramble for it. This is recapped by of the key informants (X13), an elder from Maela, who stated:

Before colonialism, each community’s land had defined boundaries and its members would use it for farming or grazing and there was no limit to this, since the land was in plenty and culturally owned. The population was low but there were conflicts albeit in very few cases such as when cattle strayed to other people’s land and destroy crops. In such cases, the aggrieved party would report the matter to elders who would resolve the matter amicably and call a village barasa (meeting) to discuss the matter and promote coexistence. (Pre-colonial)

Furthermore, land related conflicts have been taken away by the court litigation processes, thereby reducing communities’ participation in resolving them. This conforms to the views of Syagga (2013), Ndege (2009) and Githinji (2017), who hold that though there were minimal land disputes in the pre-colonial era, the disputes were amicably resolved by traditional elders through the existing traditional dispute mechanisms.

In relation to colonial land policies as the underlying cause of historical land injustices, majority of respondents, (55.28%) strongly indicated their agreement with the assertion, while 22.22% of the respondents fairly agreed, meaning that about 77.5% agreed with the assertion while a total of 21% did not agree and 3.2% did not know. The critical aspect in these findings
is that colonialism is generally perceived as the cause of historical land injustices that exist to date. However, it is the implementation of these policies during colonial regime that led to conflicts. This is exemplified by one key informant (X₆), one of the elders from Molo who lost land during colonial period, stated:

1My family lost land due to colonial policies. Our land was occupied by a colonial settler after being told to move. My parents were moved and given land in a native reserve in Gilgil, which was not fertile. If the natives resisted to move to native reserves, they were arrested. We were left landless and have lived poor lives, my children did not acquire good education since I could not afford. This is utter injustice and deprivation of rights and the government has not done enough to rectify the situation. (Colonial land frameworks)

Implementation of colonial land policies, therefore, contributed to land conflicts experienced in Nakuru County, which unfavourably affects co-existence, with negative implications to social cohesion.

On the resettlement scheme programs by the government in post-independent period, respondents were requested to indicate whether the programs had negative impacts to social relations among members. Majority of participants, (42.00%) strongly agreed, while 15.72% fairly agreed, which makes a total of 57.72% of the respondents who asserted the negative social impact of the resettlement scheme program by the government. The other 39.57% challenged the assertion and 2.71% of the respondents were indifferent to it. The government transported people from other regions, mainly from Central Kenya and resettled them in the Rift Valley Region, with Nakuru County being the most affected. Those who were being resettled had lost their land to the colonialists and were bitter that their lost land was occupied by other people who got it from the colonialists, yet it should have been given back to them. On this, one of the key informants (X₄), an elder from Olenguruone stated:
The colonial masters drove local communities away from their land which was re-allocated unfairly after independence by the new political regime, where the non-local communities were the main beneficiaries, hence leaving out the locals, who were the original owners. We hope one day the land shall return to us since it is our ancestral land and those who occupy it, own the buildings and crops but the soil will never be theirs. Even the documents they have *ni makarattasi tu* (the ownership documents are just papers).

(1colonialism, 2Post-independence, 3Politics)

These findings echo the resentment of the local communities, which met another sentimental reaction from those who claimed to have been unfairly given land in the region. On this, one of the key informants in interview schedule (X14), one of the political leaders from the non-indigenous community from Molo stated:

1Our Kalenjin brothers think that we benefited by being allocated land in this area, but it is untrue. We actually lost a lot of land during the colonial regime back in our homeland. We were also hopeful that we would get the land back just to be brought here while our land was also allocated to political leaders and their families and friends. We can only move forward and not dwell on the past. (1land allocation, 2Colonialism 3Politics)

The resettlement of the colonially displaced local communities by the post-colonial government is, therefore, pictured as the main cause of conflict in Nakuru County, especially as far as the indigenous community is concerned. There was a failure of post-colonial government to properly and comprehensively resettle them on their ancestral lands but allocated it to non-locals who originally never belonged to the regions of resettlement. This mode of allocation and resettlement of affected communities is attributed by the indigenous community members as one of the prominent causes of social and ethnic driven conflicts in the region. However, on flipside of it, the study also found out that those who benefited from resettlement in Nakuru County were not the victims, but rather the political and ruling class. The finding is reiterated by Syagga (2011) who explains that most of the beneficiaries of land
in post-independent period were the political class, with the prominent Kenyans being the main beneficiaries as discussed in the literature review.

When asked whether historical land injustices had been addressed, there were varied reactions. The majority of the respondents from the questionnaire category (82.38%), who are from all ethnic formations, sturdily indicated that historical land injustices had not been fully addressed, while 17.62% felt that historical land injustices had been addressed. To them, though the government is putting efforts to address land issues, none of the political regimes has been able to conclusively address historical land injustices. This view was recapped by one of the key informants, a government officer dealing with land issues who stated:

1One of the current challenges in addressing the issue is that historical land injustices cannot be addressed since it would affect very many people, villages, and create much bigger crisis. This would lead to a much bigger violence, with higher magnitude that the one witnessed during the 2007/8 Post Elections Violence (PEV). It is better to manage the current situation than to create a crisis. (1historical land injustices)

This finding from the government officer is echoed by Koissaba (2015), Syagga (2013) and Kipkemoi (2015) who emphasize the failure by successive political regimes to resolve historical land disputes, as one of the reasons why ethnic conflicts are persistent and that this is likely to sustain conflicts and erode cohesion in the affected areas. Since the matter of historical land injustices is entirely left to the government to give a political and legal solution, the process, therefore, negates the principles of Social Capital Theory for social cohesion and those of the Entitlement Theory, intended by this study.
4.4.3 Effects of unresolved Historical Land Disputes

The study, having established the historical basis for the causes of ethnic conflicts and animosity and linking them to land conflicts, it resorted to investigating the consequences of unresolved historical land disputes that continually affect social coexistence of communities in the study region. On this, the respondents were requested to enumerate the effects of unresolved historical land injustices that negatively affect social cohesion of communities in the area. The results were as presented in Figure 4.5.

![Figure 4.5: Effects of Unresolved Land Disputes (Source: Field Data, 2019)](image)

The results from Figure 4.5 from the questionnaire category of the respondents, 28.77% of the respondents consider clashes and insecurity as the leading effects of unresolved historical land tenure disputes; followed by negative social relations at 21.99%, ethnic groupings at 16.05%, injustices and inequalities at 13.82%, loss of land and livelihood at 11.44% and squatting at 7.73%. Clashes and insecurity are the results of conflict that degenerate to violence since 1992 Maela and Molo clashes, Olenguruone, Njoro and Molo clashes in 1997, Kuresoi and Molo clashes and in 2007.
The most indicting thing in all these clashes is that they all happen during general elections, thereby confirming the political imprint in land related conflicts. In essence, land conflicts consequently polarize the relational gap between existing communities in Nakuru County. They are an indicator of lack of peace, security, and stability in the society. In as long as land conflicts persist, their effects like resentment, enmity, intolerance, violence, antagonism, et cetera remain prominent in the society, thereby making the achievement of a strong social cohesion a mirage. The contradiction is that these effects are not in tandem with Social Capital theory guiding this study, which propagates peaceful co-existence. They incapacitate the members of community in using their human and social potential in building their own social life.

4.5 Deployed Land Tenure Systems

Land Tenure Systems are critical in assessing how government policies on land blend with other dimensions in areas with land conflicts. The second study objective endeavoured to establish the implications of deployed Land Tenure systems on social cohesion in Nakuru County.

4.5.1 Land Tenure Type

All categories of land tenure exist within a number of primary tenure systems, such as statutory and customary, most of which are legal and correspond to particular political and social cultural practices. The participants to the study were requested to indicate the type of Land Tenure for land they occupied and the findings are presented in Figure 4.6:
Figure 4.6: Land Tenure Type in Nakuru County (Source: Field Data, 2019)

From the results in Figure 4.6 from the questionnaire category, majority of the respondents, 81.00%, hold freehold tenure to the land they occupy, while those on leasehold are 15.00%, those who have customary tenure are at 3.00% while others including rent and squatters were at 1.00%. The implications of this finding is that most of the residents of the area have absolute ownership to the land they occupy. From the onset, the owners have absolute ownership to the land they own. They therefore seen to have security and stability for the land they own, in line with the entitlement theory that propagates security of ownership for property owned to avoid fluidity in ownership which causes insecurity.

When asked to state whether the employed land tenure systems provide social security and stability to owners/occupants the following are the results.
From Figure 4.7, which is derived from the questionnaire category of the respondents, majority of them, (69%) feel that the deployed land tenure systems do not provide social security to owners or the occupants, while 31% of the study participants indicated that they do provide security and stability for the land they occupied. These percentages are confirmed by a key informant (X_{19}), one of the political leaders from Olenguruone who stated:

\[\text{The lands we occupy are registered by our names; we have Title Deeds as prove of ownership as required by the law. I remember one time the minister of lands in the Kibaki regime Mr. (Amos) Kimunya told us that a Title Deed is just a piece of paper and that is just what it has turned to be. Even though the land we occupy is our heritage from our ancestors, since 2008 with the caveat put by the government, it has been rendered useless; we cannot use it to acquire loans or even to sell part of it. So even the tenure it is supposed to provide does not give us security. (^{1}\text{Land ownership})}\]

The caveat resulted to tribal politics, negative ethnicity, encroachment to conservation areas, peoples’ inability to adhere to land ownership laws, among other factors. Those affected by the caveat, particularly in Olenguruone and Kuresoi, expressed that they cannot invest in the lands since they are not sure of their security and investment thereby adversely affecting their socio-economic fabric. This conforms to the previous response by Land Officers in the
interview, who indicated that the current tenure systems do not provide security and desired stability in land ownership. Additionally, the issue was emotional during FGDs in Njoro, Molo, Kuresoi and Olenguruone, with one of the discussants, Y13 from Molo stating:

1There is no guarantee that we shall continue occupying the land we own. So we cannot sustain the argument that having a Title Deed is the key to having a secure and stable land ownership. If that is true, we would not have lost our land in Mau since it has the documents. We are at the mercy of the government since they control the policies and do not involve us. (1Land ownership)

The findings therefore indicate that the existing land tenure system do not necessarily provide security for land owned as exemplified by the revocation of Title Deeds in Mau. This lack of security in land ownership is a trigger factor that can lead to or catalyze land conflicts that will result to displacement of people, families and communities.

4.5.2 Land Tenure Systems and Cohesion among Community Members

The researcher sought to find out the impact of deployed land tenure systems on social cohesion among communities in the area and the findings were as presented in Figure 4.8

![Figure 4.8: Tenure Systems affects Social Cohesion](Source: Field Data, 2019)
Figure 4.8 shows that majority of the respondents from the questionnaire category, (85.36%), assert that deployed tenure systems have negative effects on interactions and coexistence among the diverse ethnic communities in the region, while 14.64% believe they do not have any negative effects. To those of the view that land tenure systems do not facilitate social cohesion, one of the chiefs, X3, stated:

1I have handled so many land disputes among members of different communities and I can tell you that many strategies deployed by the government do not seem to work effectively in this region. Even if the residents are given Title Deeds and be assured of an 2absolute tenure for the land they occupy, they seem not to be satisfied; both locals and non-locals continue to view each other suspiciously. The negative perception they hold about each other is deep-rooted and it will take a long time to change. (1land disputes, 2land tenure)

This finding corresponds to the negative ethnic stereo-types used by some members of communities residing in the area. As an example to these stereo types, the study found out that the Kalenjin derogatively refer to the kikuyu as Chorik (literally meaning thieves or land grabbers) while the Kikuyu refer to the Kalenjin as aruiriri migunda (fighters for land). Such derogative stereotypes are entrenched in the ethnic language of the communities, which deeply affect their social perception of the other, their relationships and regard to each other (Kipkemoi, 2015). Payne and Durand-Lasserve (2012), directly state that land tenure systems are influenced by negative perceptions among existing social, political, cultural groups, creating existential gap among the affected groups. This explains the stereotypes among communities in the society, as exemplified by the Kikuyu and Kalenjin communities. This instability in land tenure systems in Nakuru County goes against the tenets of entitlement theory, which propagates for stable systems governing ownership and proprietorship.
4.5.3 Salient Land Ownership Issues

In the attempt to relate salient land ownership issues to social cohesion, the participants were requested to give their level of agreement or disagreement to critical land ownership issues, guided by Likert Scale approach where 5-strongly agree; 4-fairly agree; 3-disagree; 2-strongly disagree and 1-don’t know.

Table 4.7. Level of Agreement on Salient Land Ownership Issues: R = Responses

<table>
<thead>
<tr>
<th>Issues</th>
<th>5</th>
<th>4</th>
<th>3</th>
<th>2</th>
<th>1</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respect for laws on land rights, access and control for land owners</td>
<td>R-66</td>
<td>53</td>
<td>129</td>
<td>104</td>
<td>17</td>
<td>369</td>
</tr>
<tr>
<td></td>
<td>%-17.89</td>
<td>14.36</td>
<td>34.96</td>
<td>28.18</td>
<td>4.61</td>
<td>100</td>
</tr>
<tr>
<td>Private land rightly owned by the occupiers</td>
<td>R - 129</td>
<td>88</td>
<td>91</td>
<td>58</td>
<td>3</td>
<td>369</td>
</tr>
<tr>
<td></td>
<td>%-34.96</td>
<td>23.85</td>
<td>24.66</td>
<td>15.72</td>
<td>0.81</td>
<td>100</td>
</tr>
<tr>
<td>Public land is for good of all</td>
<td>R-91</td>
<td>103</td>
<td>96</td>
<td>72</td>
<td>7</td>
<td>369</td>
</tr>
<tr>
<td></td>
<td>%-24.66</td>
<td>27.91</td>
<td>26.01</td>
<td>19.51</td>
<td>1.90</td>
<td>100</td>
</tr>
<tr>
<td>Local community entitled to land redistributed to non-locals since it’s</td>
<td>R-136</td>
<td>43</td>
<td>127</td>
<td>57</td>
<td>6</td>
<td>369</td>
</tr>
<tr>
<td>their ancestral land</td>
<td>%-36.86</td>
<td>11.65</td>
<td>34.42</td>
<td>15.45</td>
<td>1.63</td>
<td>100</td>
</tr>
<tr>
<td>Non-indigenous communities have ownership rights over land they occupy</td>
<td>R-136</td>
<td>51</td>
<td>137</td>
<td>40</td>
<td>5</td>
<td>369</td>
</tr>
<tr>
<td></td>
<td>%-36.86</td>
<td>13.82</td>
<td>37.13</td>
<td>10.84</td>
<td>1.36</td>
<td>100</td>
</tr>
<tr>
<td>Average</td>
<td>R-112</td>
<td>68</td>
<td>115</td>
<td>66</td>
<td>8</td>
<td>369</td>
</tr>
<tr>
<td></td>
<td>%-30.20</td>
<td>%-18.32</td>
<td>%-31.44</td>
<td>%-2.06</td>
<td>17.88</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Researcher’s Construct, 2019

On respect for land laws, Table 4.7 shows majority of the respondents, 32.25%, (5+4 in Likert Scale) agree to the statement, 63.14% (3+2 in Likert Scale) disagree that there is respect for land laws, an issue which affects access and control for land they own. It is (3+2 in Likert Scale), who agree with the statement that there is respect for laws on rights, access and control of land use, while 4.61% do not know. Lack of respect, running of affairs within
the society and provision of services; and consequently lack of respect to whomever you may own the land. Flouting the laws is tantamount to infringement of the rights of those who lawfully acquired and own the land. In Chapter two, the study explained Jenson’s characteristics of ownership rights for a cohesive society, such as strong institutions (which draw respect and adherence from people, and which dispense services in fairness), and clear legitimacy. Laws are a component of society for social organization and disrespecting land laws and denying people legal rights to land, access and use of it creates breeding space for conflicts in the area, thereby negatively affecting social cohesion. Respect for laws on land ownership is a critical element in entitlement theory that calls for adherence to laws of ownership to ensure to ensure stability and fairness for property owned.

Regarding private land ownership, majority of the respondents from the questionnaire category, 58.81%, (5+4 in Likert Scale), mostly from non-local communities, agree to the statement that private land is rightly owned by those who occupy it. On this, all informants in the interview agree that one can own property anywhere, but this ownership must also be acquired legally. One key informant (X_{18}), a political leader from Kuresoi stated:

\[ \text{Everyone has the right to own land anywhere as enshrined in law, but this has been abused to the extent that our land has been divided and given to others. This also infringes on our rights to own land since what is ours has been taken away. We respect those who got the land legally through purchases but we don’t agree that those who were resettled on our land by post-independence regime own it legally and so it is not theirs even if they stay there for 100 years. (Land ownership)} \]

These views correspond with that of a FGD in Olenguruone, where a majority affirmed the importance of respecting private land ownership on the basis that such land had been legally acquired. To them, those who did not correctly acquire the land will be forced to surrender it
back to the owners or locals. While 40.38% ((3+2 in Likert Scale) of the respondents, mostly from the indigenous community, stated that they do not agree with the statement, and only 0.81% stated that they did not know. However, the findings, particularly the 40.38% of those who seem not accept private ownership in the region makes hard the application of the Constitution on legal rights to own private land in the region. This issue which goes against the principles of the theory of entitlement, which is guiding this study, and which protects private ownership form any form of injustices or deprivation.

When asked whether public land is used for the common good, majority of the respondents from the questionnaire category, 52.57% (5+4 in Likert Scale) agreed to the statement, while 45.52% (3+2 in Likert Scale) of the respondents did not agree to the statement, while 1.90% did not know. The researcher observed that the majority of those who agreed were mostly from non-indigenous communities, while those who did not agree were mostly from the indigenous community. The close margin in difference could have been influenced by the ongoing efforts by the government conserve the Mau water catchment area, which appears to be opposed by a section of locals, especially those who live in Olenguruone and Kuresoi area. The close margin of difference was also attributed to corruption, where the government lost large portions of public land through illegal allocation, encroachment of these lands by the locals, grabbing among others (Ndung’u Report, 2004). One of key informants (X22), an elder from Olenguruone, stated:

1There is no public land left since it has been dished out by corrupt officials in the Ministry of Land. Members of the public do not benefit from the land since it is not there. Now we are being harassed in the name of conservation of Mau, but there is no public farm in Mau since it belongs to individuals who have owned it since time immemorial. We should be left alone to go on with our business and let the government recover land grabbed by the people they know. (1Corruption)
These findings reveal the divisions over public land between the local and non-local communities, an indicator that difference in perceptions are persistent between the two communities which often lead to conflicts. There ought to be stability in land ownership as enshrined in the entitlement theory, whose principles calls for respect for land ownership justly acquired and compensation for those who lose property through unjust distribution of their property.

On local community’s regard to ancestral land owned by non-locals, majority, 48.51% (5+4 in Likert Scale), mostly locals, agree that they are entitled to land redistributed to non-locals since it’s their ancestral land, while 49.87% (3+2 in Likert Scale) of the respondents, mostly non-locals, disagree with the statement, while 1.63% indicated that they did not know. This means that there is almost a divided opinion over the issue between the groups. The opinion is also divided along the same lines when asked whether non-locals have rights to the land they occupy. This divide is an indicator that land conflicts are likely to persist along the perceptions of locals and non-locals. One of the key informants (X₄), a Sub-Chief, stated:

> The composition of locals and non–local inhabitants in Njoro is almost equal. Whereas the local community claim that the non-local community members do not have rights for the land they occupy since it not their ancestral land, the non-local members believe they possess all rights to the land they occupy and that they are ready to defend it. This puts us, the local administrators, in perceived biased positions when it comes to resolving land disputes since, as an arbiter, one is expected to side with members of your community and so any decision we arrive at will be viewed as impartial by the other party due to these perceptions and divisions. (₁Land ownership, ₂Land resolution)

Perceptions on these critical issues on land are dependent on members of one community viz-a-viz the other, who become antagonistic of each other, especially when there is political incitement. These perceptions are not in tandem with the principles of both entitlement theory,
which promote a strong ownership that is not affected by individual or societal perceptions since ownerships ought to be secure and those of social capital theory that consider the potential of members of society to build consensus for cohesive coexistence.

4.6 Challenges and Opportunities for Secure Land Ownership

The third objective sought to evaluate the challenges and opportunities for the affected communities in acquiring secure land ownership that affect social cohesion in the study area. The data is presented and discussed in the following sub-themes.

4.6.1 Land Ownership Status

In evaluating the challenges to the acquisition of land ownership, the research first sought to find out whether the respondents own land so as to have a platform to discuss the challenges faced in the process of its acquisition. The respondents from the questionnaire category were requested to indicate whether they own land in the area, and the findings are indicated in Figure 4.9.

![Land Ownership Status](chart)

*Figure 4.9: Land Ownership Status*  
(Source: Field Data, 2019)
Figure 4.9 shows that majority of the respondents, 92.14% owned land while 7.59% did not own any land. Those who did not own any land can be associated to those who embrace the Customary Land Tenure system, squatters and those who rented land. The participants were also asked to indicate the size of land they owned and the results as revealed in Figure 4.10.

![Land owned by the Respondents](source)

The findings indicate that majority of the respondents from the questionnaire category, 37.94%, own 3-5 acres of land, while those with less than three acres were 35.59%, those with 6-10 acres were 17.06% and those with land above 10 acres were 6.88%. This implies that most of the respondents 73.53% were small scale farmers and the land they own is their source of livelihood and would do anything to defend it. Through this, they cater for their family needs, as exemplified by key informant (X23) from Njoro who stated:

> The little land I own is my only source of livelihood and my family depend on it for food, education and all other basic necessities. I bought the land and I will protect it by all means, from encroachers, those who would claim it and from herdsmen who leave their animals to roam and
destroy the crops. During elections people usually hire vigilante groups in this area to protect their property since it is a time when people turn against each other. (Land ownership, Politics)

These sentiments were also expressed by discussants in all the five FGDs, who indicated that people will do everything possible to protect their farms, including hiring armed vigilant groups to protect their property when there are conflicts. The net effect of this move is that it exacerbates land conflicts. In one of the FGDs, one discussant, Y8, stated on 26.04.2019:

1I cannot watch as my land being taken away as long as I live. Even if I cannot fight the aggressors, I would get people to fight for me since we have young people who defend us. We know the other communities have theirs who have been protecting their land. Why shouldn’t we have ours? These young people are jobless and depend on the errands and short term jobs we give them. (Land conflicts)

This is backed up by Yamano and Deininger (2005) who found out that conflict in Rift Valley, Nakuru County included, intensified with the presence of vigilant groups who are hired by individuals and communities to protect property and to fight. For those who do not own land, most of them indicated that they were dispossessed of their land while others lost it during conflicts. They remain bitter for the loss, have negative attitudes towards members of the community whom they perceive to own land belonging to them, and this has negatively affected their interactions and as indicated one key informant in the interview schedule (X26), an elder in Olenguruone, who stated:

1I lost my land during the 1997 conflict and I have remained landless since then. I have done everything possible to possess it but it has become impossible to do so since the user always invoke the name of his community and gets support from Kalenjin youth who threaten that I cannot return since the land belong to their ancestors. I bought the land from them but they do not allow me to possess what is mine. How do you expect me to relate with these people well when I cannot occupy my land? (Ethnicity)
Having established the ownership of land, the researcher sought to investigate the form of land ownership, which gives the user the rights, access, usage and duration, which, more often, is the cause of conflicts (Lumumba, 2005). The participants were, therefore, asked to specify the form of ownership for their land and Figure 4.11 indicates the results:

**Figure 4.11**: Forms of Land Ownership  (Source: Field Data, 2019)

Figure 4.11 shows that most of the participants from the questionnaire category, 92.14%, held private land ownership, while 4.61% were in public land and 3.25% in communally owned land. The findings reveal that private form of land ownership is the most prominent in Nakuru County, and it is this form of land ownership that has attracted a lot of conflicts, as owners use all means to protect their land. This has been supported by Lumumba (2005), who identified it as a major cause of land disputes, while public and customary forms have not attracted much conflicts. This is in violation of the principles of entitlement theory, which propagate a strong and secure ownership that provides stability of ownership to the owner.
Having established the form of land ownership in the area, the research sought to investigate the manner of land acquisition, which is a critical factor considered by the study, and the results are indicated in Figure 4.12:

![Figure 4.12: Land Acquisition Methods (Source: Field Data, 2019)](chart)

Figure 4.12 reveals that most of respondents from the questionnaire category, 39.83%, got their land through inheritance, 28.73% through purchases, 23.58% government allocation while the others, 7.86% were either renting, squatting, in public or communal land. Methods of land acquisition have been a critical cause of land conflicts. Local communities continue with their claims of land which was allocated to non-locals in post-independent period for land which had been taken away from them during colonial period. This is supported by Syagga (2011), Koisaba (2015) and Kipkemoi (2015) who argued that majority of those who were allocated land were non-indigenous and are viewed by locals as outsiders who ought to go back to their places of origin. In addition, those who inherit land have also had intra–
family or clan conflicts, while those who purchase land have also experienced resistance from the locals. The manner of land acquisition therefore contributed to land conflicts in the County, an issue which negates entitlement theory which calls for a mode of acquisition that is not questionable, and that which promotes justice in acquisition.

4.6.2 Possession of Land Ownership Documents

Possession of documents, especially Title Deed or Certificate of Lease, is a legal proof of ownership of the land by the one who possesses it (Land Act, 2012). Those who possess these documents are perceived to have a sense of security since their ownership is legally safeguarded. The participants were, therefore, asked to indicate whether they possessed any legal ownership documents for their land and the results are indicated in Figure 4.13.

![Ownership Documents](source: Field Data, 2019)

Figure 4.13: Possession of Ownership Documents

Figure 4.13 indicates that majority of the respondents from the questionnaire category, 81% had ownership documents for the land they occupied, while 19% did not possess any form of
ownership documents. The respondents were asked the type of documents they possessed and Figure 4.14 indicates the results.

![Forms of Documents](image)

**Figure 4.14:** Types of Ownership Documents  
(Source: Field Data, 2019)

Figure 4.14 reveals that 52.57% of the respondents from the questionnaire categories, were in possession of Title Deeds, 15.18% were in possession of allocation letters, 13.28% had Lease Certificates, and 8.94% had Sale Agreements while 10.03% did not have any documents. Land Act (2012) identifies Title Deeds and Certificate of Lease as legal proof of ownership, which means that 65.85% of those who possess legal documents for the land they occupied are the right owners of the land. The implications of these results is that generally, land owners possess documents for their land. This would mean that there is security of land they own with possession of documents. On average, 72.5% of land in the County had Title Deeds and Certificates of Lease (Nakuru County Government, 2013). These documents are a succinct evidence of proprietorship and that courts shall take this as a *prima facie* proof that
the named person, is the *bona fide* owner of land and the documents shall not be subjected to legal challenge, unless they are obtained fraudulently (Land Act, 2012).

However, when asked whether the possession of the documents make them secure on the land they occupied, majority, 63.14% indicated that it does not make them feel secure while 36.86% indicated that the documents gave them security. Majority, especially from the local community, pointed out that the Caveat on Mau East area issued 2008, invalidated their land documents and, therefore, they cannot sell their land or even use it for permanent economic use. Others, especially from the non-indigenous community, held that possession of land registration documents do not necessarily provide security of ownership in the County, with one key informant (X31), an elder from Kuresoi who lost land during the 2007/8 PEV stated:

> As long as the land issue continues to be a tool for political mobilization and erratic violence, there can never be security provided by these documents. Prior to the 2007 elections I had a Tittle Deed for my 3-acre piece of land but when the violence erupted after the elections, my property was burnt and I had to flee together with my family for my safety. I still have the Title Deed but I prefer to live in Molo Town. The fear of what I witnessed prevents me from returning to the land. (*Politics*)

However, those in favour say that they are protected by the law, they feel secure and that they cannot lose the land without being compensated. Therefore, legal land provisions postulate secure ownership and assurance that the land is rightly acquired and registered and this is expected to limit cases of land disputes such that those who have acquired legal documents have no fears of losing their land. This is in line with Entitlement Theory that propagates for assurances of property rightfully and justly acquired, by provision of necessary documents.
4.6.3 Awareness on Land Rights

The issue of land ownership, use and legal rights is also related to society’s awareness of the existing laws (Onalo, 2008). Land ownership embodies various rights, including the right to purchase, dispose, to use for livelihood, to give as inheritance, among others. Sometimes ignorance of the laws governing land related issues can lead to insecurity in ownership. The participants were asked to indicate their knowledge on existing land rights, and the following are the findings:

![Awareness on Land Rights](Source: Field Data, 2019)

From Figure 4.15, majority of the respondents, 33%, were aware that they had the rights to bequeath their land to their family members; 15% were aware of the rights to use land for commercial purposes; 14% knew they had rights to buy land; 13% knew that they had the rights to sell their land; 12% were aware of their rights to permanently settle on the land and 13% were not aware of their rights on land they occupy. Awareness on land rights is critical in safeguarding ownership and security of land, which would reduce cases of conflicts.

However, the study found out that these rights are constrained by some factors, for instance, among those interviewed, almost 60% of them and in four FGDs, identified the issue of
Caveat imposed on by the government on the owners of East Mau in areas of Olengurone and Kuresoi was indicative of a situation where land owners could not sell nor attract buyers, nor exploit it for economic usage for long term investments. Additionally, most of non-local community members interviewed indicated that they would not buy more land or recommend their community members to purchase land in the area due to incessant land conflicts they have gone through with the indigenous community members over the years. One of the key informants, (X27), an elder from Kuresoi stated:

1What we have gone through as Kikuyu community from our Kalenjin brothers makes no sense to buy more land or even recommend any of our community members to buy land here. However, I would not sell the land I have since land has become very expensive in Central Kenya where I prefer to buy and here the land cannot attract many buyers. However, I will give it to my children as 2inheritance since the next generations might not behave the way our generations have been behaving since they are more educated and may not be so much interested to fight for the properties of their forefathers. (1ethnicity, 2land inheritance)

Therefore, land rights are important and as reiterated by Kameri-Mbote (2013), property is a legal relationship where the enforcement of property rights offers security of title to the land owner, which guarantees the right to sell, possess, to appropriate, to use and dispose of property by will. This becomes critical since enforcement of these rights reduces land conflicts and absence rights perpetuates land conflicts. This is informed by entitlement theory, which bases the issue of ownership to rights and justice, which are true assurances of secure ownership, which provides stability to the owners.

4.6.4 Land use and Related Interferences

MoLPP (2016) define land use as activities to which land is subjected to and the importance of land use in the economic and social activities that make it imperative that land is accessible,
its potential for productivity is enhanced and sustainability guaranteed. MoLPP (2016) also states that the economy of Kenya is agricultural based, with agricultural activities contributing approximately 30% of the Gross Domestic Product (GDP) and providing livelihoods to about 80% of the population living in the rural areas. When asked to state how they use their land and whether they get interference from other communities, Figure 4.16 presents the results.

![Pie chart showing land use in Nakuru County](Source: Field Data, 2019)

Figure 4.16 indicates that most of the respondents from the questionnaire category, 80.6%, used their land for farming, while the rest, 19.4% used it for pastoralism. Most of the farmers practiced small scale farming since they possessed land averaging about 3.5 acres. The two agricultural activities are the source of livelihood for majority of the residents of the County. This finding conforms to a study by FARMUP (2015), which indicated that 79.10% of Nakuru residents engaged in small-scale farming, while 19.6% practiced pastoralism.
It is in these areas where there has been conflicts between farmers and pastoralists as indicated in Muchiri (2007) who found out that the conflict between Maasai and Kikuyu in Naivasha was due to land use where the Kikuyu use the land for farming and Maasai for pastoralism. 

This is exemplified by a key informant, (X17) an elder from Maela who stated:

1The conflicts we experience here in Maela with our Maasai brothers is largely triggered by the form of economic activities we practice. The Maasai practice pastoralism whereas we are farmers and since the Maasai believe the land we cultivate belong to them, they leave lose their animals into our crops, thereby destroying them. This has been common mostly during drought and we abhor such kind of interference on our land since we rightly own it and have rights to use it without interference. These conflicting regards to land leaves the two communities in perpetual non-reconciling positions (1Land conflicts)

This form of interference has been the reason behind most of the conflicts in these areas an issue which has had implications on coexistence and cohesiveness in the area. There ought to be no interference of when there is security in land owned, since this erodes gains for economic empowerment for land owners. This violates the principles of the entitlement theory that propagates for a secure and stable ownership, devoid of any form of external interference.

4.6.5 Causes of Insecure Land Ownership

Establishing the causes of insecure land ownership is finding out the drivers that impede attainment of secure land ownership. They inhibit stability since they trigger differences within the community that lead to conflicts over land. When asked to identify causes of insecure land ownership, the respondents identified the following:
Figure 4.17: Causes of Insecure Land Ownership  
(Source: Field Data, 2019)

The respondents from the questionnaire category identified politics as a major cause of insecure land ownership at 35.06%, corruption at 24.04%, negative ethnicity at 14.69%, historical land injustices at 10.84%, inheritance issues at 9.52% while other factors such as boundary disputes, population increase, squatting, constituted about 5.84%. The findings are in tandem with Syagga (2013) who also identified these factors as triggers to incessant land conflicts and which must be addressed to ensure stability in the land sector. The following expounds possible ways these challenges impede the acquisition of secure land ownership.

Divisive politics was identified as the key challenge to secure land ownership. Political class has used the land issue as a tool for mobilization especially during general elections. There has been ethnic violence since the onset of multi-party politics in 1991, with land being seen as the underlying factor behind these conflicts. As Kimenyi and Ndung’u (2006) have postulated elsewhere in this study, these clashes occurred around the first and second multiparty elections in 1992 and 1997 or when some political forces were at play, while the incessant calls for Majimbo by some politicians has always implied that non-locals should go
back to their motherland (Oyugi, 2000), with Klopp and Lumumba (2017) also identifying divisive politics around the land issue as a cause of land conflicts which affects land ownership. This creates a sense of temporality of land ownership, as one of the key informants in the interview schedule, (X11) from Njoro stated:

1We only own land when general elections are over, the time when there is relative peace. It is only during low political season that we can till our land, we can take care of our livestock. A year before the general elections is characterized by tensions and fear, sometimes violence and we have to take our families away from here to avoid what we have gone through in previous years. 2Our politicians take control of the situation and whatever they say is followed and they usually use the land we own as their tool for elections by promising the locals that the land will be theirs when we leave to our ancestral home. (1Land ownership, 2politics)

These views demonstrate how critical the element of politics is in the County as it impedes realization of secure land ownership which negates the principles of entitlement theory that support a secure and stable ownership where the political and ruling class protect land ownership rights.

Corruption is another factor that has dominated the choices of respondents in this study. The vice has been prominent among respondents from interviews and all the FGDs, being blamed for illegal land allocations and loss of land by genuine owners. The Ndung’u Report (2004) also identified corruption as the major cause of land conflicts, which was rampant in institutions dealing with land being the most affected. This created an impression that one cannot get land documents without giving bribes, hence eroding public trust in the institutions. Corruption is an impediment to the entitlement theory, which calls for just ownership of property to ensure a secure and stable ownership.

Negative ethnicity was also identified as a major challenge to secure land ownership and it goes along with divisive politics. As explained previously, most ethnic conflicts occur during
high political seasons. It is at this time when political incitements along ethnic lines are high. This conforms to Shongolo (2009) argues that negative ethnicity and divisive politics are key ingredients of land conflicts as was the case during the 2007/8 PEV. This is emphasized by a key informant in the interview schedule, (X28), from Naivasha who stated:

\[1\]

During the PEV, I lost my property and forced to flee my home because of my ethnic background. I lost my son during the violence and I regret why I settled in the area. I had documents to show that the land I occupied was mine, but non-locals were not needed. Though I returned to my home, I know there is no security of the land I own here because politics and negative ethnicity reign. (\textbf{1Ethnicity, 2politics})

During FGDs conducted, the issue of negative ethnicity and divisive politics dominated discussions on the issues of secure land ownership and were identified by all the groups as critical challenges that impede the acquisition of secure land in the County, thus negating the theory of entitlement that propagates for ownership without encumbrances.

Historical Land Injustices is another factor that is prevalent in this research and discussed in Section 4.3. Suffice to state that it is a critical challenge to secure land ownership in Nakuru County as identified by the respondents.

Inheritance Issues, as discussed previously, are common in the County and were identified as a cause of insecure land ownership in the County and a contributor to intra-family/clan/ethnic land conflicts. The identification of inheritance as a challenge to secure land ownership conforms to the Kenyan Judiciary (2015) which identified inheritance disputes as a major obstacle in achieving stability in the family and society.

However, the Kenyan law respects the rights to inheritance and to bequeath to persons one deems appropriate to inherit the property or to exclude from inheritance. Additionally, Cooper
(2011) identified inheritance of land as a contentious issue between the customary practices and the law in Kenya, making it a challenge in secure land ownership and a contributory to land conflicts. These challenges which impede secure land ownership are in contradiction to the principles of both entitlement and social capital theories which are guiding this study.

4.6.6 Effects of Insecure Land Ownership
Having been established the causes and challenges of insecure land ownership, the participants were also asked to name the effects of insecure land ownership within the area and they identified the following, as indicated in Figure 4.18.

![Figure 4.18: Effects of Insecure Land Ownership](Source: Field Data, 2019)

Figure 4.18 shows that most of respondents from the questionnaire category identify fear of loss of land as the leading effect of insecure land ownership at 25.65%, clashes and insecurity at 16.27%, lack of cohesion at 15.56%, political tensions at 12.83%, injustices and inequalities at 10.45% while 9.35% of the respondents identify low land productivity as an effect. Other
effects identified on a low scale include migration, evictions, land grabbing among others which had a total of 9.86%.

These effects have been witnessed in Nakuru County whenever there is violence due to insecure land ownership. When land is not secure, there will also be lack of social stability leading to conflicts with attendant implications to social interrelations in the County. But when there is secure land, there will be social stability leading to peaceful coexistence devoid of political, cultural, social and economic tensions. These are tenets that are in tandem with entitlement and social conflict theories that propagate for secure and stable ownership and coexistence in the community.

4.7 Land Dispute Resolution Mechanisms

The fourth objective sought to assess the efficiency of the current conflict resolution mechanisms in resolving land conflicts for social cohesion in Nakuru County. Without effective conflict resolution mechanisms, land disputes and challenges identified in the previous section will persist, with attendant implications to social cohesion. The assessments of these mechanisms are indicated in the following sections within this thematic area.

4.7.1 Actors in Land Dispute Resolution

Actors in dispute resolution are agents who are mandated to ensure disputes brought to them by parties are concluded in time. Respondents from the questionnaire category were asked to indicate institutions that they employ when faced with land disputes. The responses were grouped, analyzed and presented in Figure 4.19.
Figure 4.19: Actors in Land Resolution Mechanisms
(Source: Field Data, 2019)

Figure 4.18 indicates that most respondents from the questionnaire category, 24.43%, prefer local administrators to resolve land conflicts; 22.62% prefer village elders and village committees; 10.86% prefer alternative land disputes resolution mechanisms; 10.56% prefer the Judiciary; 7.99% use Land Tribunals; 5.58% prefer the Ministry of Lands and a bare 0.91% prefer making use of NLC while 15.54% of the participants did not make use any of the actors in land resolution. It is instructive to note that most of the respondents, 50.68% resorted more to government actors such as local administration, judiciary, land tribunals, among others while 33.48% used both traditional and alternative methods and 15.54% did not prefer any actor in dispute resolution. From the findings, the study observed that religious leaders, NGOs, Civil Society groups did not have any role to play in resolving land disputes.

The findings conform to the study by Cherutich (2013) who found out that elders and the provincial administration under the ministry of interior were critical in mitigating ethnic
conflicts in Rongai, Nakuru County. When asked about the preference in seeking resolution of land disputes, one of the key informants, (X₃₀) an elder from Naivasha stated:

1People prefer to take their disputes to chiefs and elders for resolution because they know that Chiefs know them and would offer quick solution to the problem. However, the main reason they do it is because there lacks home grown, local solutions to land issues. The residents are hardly involved in land resolution matters, neither has enough sensitization on land conflict resolution been done. This leaves them with no option than what is available though they know they would not get justice. (land resolution)

These sentiments were supported by all the five FGDs, who argued that they prefer to use local government administrators compared to other actors since other mechanisms are not as effective, but the administrators have an interim solution at hand before resorting to other actors.

4.7.2 Effectiveness of Actors in Resolving Land Disputes

To find out the effectiveness of the above actors, the respondents from the questionnaire category were required to rate their effectiveness in a Likert Scale, between 1 – 5, with 1 indicating least effective actor and 5 showing most effective, as indicated in Figure 4.20.
Figure 4.20: Effectiveness of Actors  
(Source: Field Data, 2019)

Figure 4.20 indicates that on the effective category, (5+4), government actors had 14.63%, Alternative land dispute resolution measures such as mediation, negotiation had 15.71%, and the traditional mechanisms such as that by elders, had 20.86%. The findings specify that respondents considered traditional mechanisms being more effective compared to the other two. However, from the figure, it is clear that the results on the ‘effective’ side are at the minimum compared to the ‘satisfactory’ and the ‘less effective’ categories.

On the satisfactory category, (No. 3 on Likert Scale), The results also indicate that government actors were assessed to be more satisfactory at 37.67% while the alternative measures were at 22.49% and the traditional measures were at 24.14%. However, the percentages were lower compared to the ‘less effective’ category.
When it came to assessing the less effective measures (2+1 in Likert Scale), the government actors had 47.70% assessment level; the alternative measures had a 61.78% level, while the traditional methods were 55.02%. The import of these findings is that existing land conflict resolution mechanisms in Nakuru County are not effective, given the higher percentages in this category. This could explain the persistence land conflicts in the area.

The findings resonate with Adan and Ruto (2017) who attributed the failure in these mechanisms to lack of strategic coordination amongst key actors in conflict resolution in Kenya, thereby unfavorably upsetting cohesion and peace in the country. Muigua (2017) blamed the persistent land conflicts on failure to empower traditional mechanisms in resolving the conflicts and over-reliance on government institutions which do not provide amicable solution to the disputes. From the findings, it can be concluded that the existing land dispute resolution mechanisms in Nakuru County are not effective, leading to perpetuation of land conflicts, with attendant negative implications to social cohesion. The situation negates both the entitlement and social capital theories. The theories propagate for ways to resolve conflicts arising from transaction on properties (for entitlement theory) in order to achieve justice, and to bring conflicting parties together (for social capital theory) because the society is interconnected and can only move forward when parties are reconciled.

4.7.3 Factors hindering Effective Resolution of Land Disputes

Having established the effectiveness of conflict resolution mechanisms, which were rated to be generally ineffective, the respondents from the questionnaire category were asked to indicate the factors that hinder effective resolution of land disputes in Nakuru County. The responses were grouped, analyzed and presented in Figure 4.21.
From Figure 4.21, majority of the respondents, 35.06%, consider lack of inter-community local land resolution mechanisms as a major challenge in achieving the effectiveness of land resolution mechanisms for social cohesion; 20.32% consider the long court process; 16.79% consider corruption; 15.61% identify ethnicity, while 12.22% of the respondents considered biased court adjudications outcomes as a major challenge.

On the same issue, most of the key informants in the interview schedules, 39 out of 44, identified lack of inter-community local mechanisms as a key impediment to the realization of effective land disputes in the County, arguing that efforts to bring about local and non-local communities to resolve land issues has always been opposed. The challenges identified are what majority of residents go through on a daily basis in their efforts to seek justice or resolve long-standing land disputes. However, in many cases, they do not achieve what they seek in a short time, some die without getting justice for their land. The state of affairs does not depict the theory of entitlement that propagates for timely dispensation for justice; neither does it for
social capital theory that calls for strong institutions in the society to help in resolving disputes in a timely and acceptable manner.

4.8 Community Involvement in Land Resolution for Social Cohesion

The study went further to establish the local communities’ involvement in resolving land disputes for social cohesion. The informants were asked to rate their involvement in land resolution and responses are as shown in Figure 4.22.

Figure 4.22: Communities’ Involvement in Land Issues

Figure 4.22 indicates that majority of the respondents from the questionnaire category, 38.95% and 20.87% rate the involvement of the community by the government in resolving land issues as ‘poor’ and ‘very poor’ respectively (a total of 59.82% generally regard community’s involvement in policy formulation, administration and management of land matters as poor); 24.51% rate the involvement as ‘fair’ while only 5.52% and 10.15% rate the involvement as ‘very good’ and ‘good’ respectively (a total of 15.67% perceive the participation of the community in land issues as good). The engagement of the community in resolving land matters in the County can therefore be assessed to be poor, which may be an
indicator of perpetuation of land conflicts in the County, as indicated by a key informant, (X34), an elder from Kuresoi who stated:

1What we see from the Government is unacceptable whereby policies from Nairobi are forced unto us. There is very little or no involvement at all of the local community by the Government in land matters. Though the constitution requires public participation in formulation of policies, this is not the case in land matters. For instance, in the case of evictions happening in Mau, the residents have not been involved in the process and we are left to bear the consequences of such policies. (Community involvement)

The same issue was raised in all the five FGDs, which were unanimous that the involvement of the local community in land matters by the government is poor. One of the participants in the discussion, Y7, stated:

1Nobody involves us in land matters yet the solution to the problem lies with us, since we bear the consequences of land conflicts and violence. 2The policy makers think we cannot contribute solutions on land and force decisions to us, which usually exacerbate land problem because the decisions conflict with our views. If we are adequately involved in policy making process of the issues of land that are at our hearts, then we would own the decisions. (Community involvement, land resolution)

Insufficient or lack of involvement of locals in land resolution was a sure way to sustain land conflicts. Without involving the local communities in formulation of land policies and laws as well as in the implementation of these policies and laws is a recipe for perpetuation of land conflicts. It is also worthwhile to involve the local community in land management, resolution of emerging land disputes and in seeking solution to historical land disputes. Failure to involve them makes them feel alienated from the processes and, consequently, are unlikely to co-operate during execution of these policies (Leeuwen and Haartsen, 2005). This assertion is affirmed by, Chepkoiywo (2005) who noted that societies which embrace community based strategies in resolving conflicts enhance peace and security in their area, leading to high level of co-existence. Lack of involvement of the local communities in addressing land issues could
therefore be a contributing factor to land conflicts in Nakuru County. This in essence goes against social capital theory which is guiding this research, intended to empower the communities in finding grass-root solutions to their own land issues.

4.9 Linkages of the Study findings with Social Cohesion

On the basis of the results elucidated in the above thematic areas of this research, this section makes a linkage between the findings on the study variables specified by the study indicators, of both independent and dependent variables. The participants were then requested to state whether land issues do effect social cohesion, including integration among communities in their area, and the following were the findings:

![Figure 4.23: Land Issues and Social Cohesion](Source: Field Data, 2019)

The results show that majority of respondents from the questionnaire category, 89% agreed that land issues affect social cohesion while 11% hold that land issues do not affect social cohesion. The respondents were asked to explain their answer and majority of the respondents were categorical that in as long as issues of divisive politics and negative ethnicity, corruption in acquisition of land, processing of land documents, unresolved historical land disputes,
injustices and inequalities emanating from land issues; the relations among communities within Nakuru County will be affected negatively. One of the key informants (X29) who was interviewed stated:

1Land is the main factor that affects cohesion among different communities in this area. Politicians use it as a tool during General Elections by creating hatred between local and non–local communities, hence promoting ethnic divisions that are prominent in the County. We have remained as slaves of divisive politics and negative ethnicity as propagated by our political and community leaders. This has affected the way communities interact with each other, and this is likely to continue if we do not come out as a society to resolve inherent land conflicts. (1Social Cohesion, 2politics 3ethnicity)

The same issue was prominent in all the five FGDs, which were unanimous that land issue is the underlying factor in the conflicts witnessed in the county. This is exemplified by one of the discussants (Y19) from Molo, who stated:

1When we come to think what ailing our society, ethnic hatred which often degenerates to conflicts and violence; when we think of the nature of politics practised in this County which is usually divisive, one can only conclude that land is being used to propagate conflicts. If you remove land factor from these conflicts, you find that there is actually nothing to cling to. 4Seeking a solution to the land conflicts is as difficult as it is critical. We must make sacrifices as a society, both local and non–local communities and seek amicable solution to the land problem. Otherwise, the conflicts will only get worse with time. (1Ethnicity, 2 land conflicts 3politics, 4land resolution)

The presence of factors that perpetuate land conflicts in Nakuru County, therefore, implies that communities will continue with animosities over land, and any trigger will foment violence, with implications to coexistence, peace, security and economic well-being. When the respondents from the questionnaire category were further asked to indicate the challenges different ethnic communities in the County face that deter social coexistence, the following figure presents the results.
Figure 4.24. Challenges to Communities’ Interactions
(Source: Field Data, 2019)

From Figure 4.24, ethnicity is identified as the leading challenge to social cohesion at 19.80%, followed by politics at 18.48%, corruption at 17.00%, injustices and inequalities at 16.17%, historical land disputes at 14.03% and other factors such as ignorance, income levels, insecurity, among others, totaling to 14.52%. These findings correspond to those in other thematic areas as follows:

On thematic area one (objective one) on development of historical land conflicts, the findings established that politics, ethnicity, corruption, colonial policies and historical injustices, inequalities, among other factors, were identified as the leading causes of historical land disputes in Nakuru County. (Refer Table 4.6 on causes of historical land disputes).

On thematic area two (objective two) on deployed land tenure systems, it was found out that deployed land tenure systems had effects on social cohesion, with 85.36% in agreement to the question as whether deployed Land Tenure systems affected social cohesion while 14.64% did
not think the Tenure Systems affected social cohesion in the County. Those in agreement argued that issues of ethnicity, negative politics, corruption, unresolved historical land disputes, among other factors, influenced their perceptions on deployed tenure systems (Figure 4.7 on Land Tenure Systems affect Social Cohesion).

On thematic area three (objective three) on challenges to attainment of secure land ownership, it was established that these factors: politics, ethnicity, corruption, historical land disputes, injustices and inequalities, among others, were identified as causes and challenges in the attainment of secure land ownership in Nakuru County as indicated on Figure 4.15.

On thematic area four (objective four) on existing measures on land dispute resolution mechanisms, it was established that politics, ethnicity, corruption, historical land disputes, injustices and inequalities, were the main factors hindering effective resolution of land disputes in Nakuru County as indicated in Figure 4.17 on challenges to effective resolution of land disputes.

From the findings, the linkage between land conflict variables: historical development of land disputes; deployed land tenure systems; impediments to attainment of secure land ownership and the effectiveness of existing conflict resolution mechanisms within Nakuru County has been established.

Having established that land conflicts had negative implications on social cohesion, the respondents from the questionnaire category were requested to describe their levels of agreement on given social cohesion dimensions that characterize relations among ethnic groups in the County, as indicated in the Likert scale, from 5 – 1, where, 5-Very good, 4-Good, 3-Fair, 2-Poor and 1-Very poor. Figure 4.25 presents the results.
On whether there are cordial relations among ethnic groups in Nakuru County, those who agree to the statement, (5+4 on the Likert Scale) were 21.96%, 31.43% indicated that the nature of relations was fair (3 on Likert Scale) while 46.61% (3+2 on Likert Scale), assessed the relations to be poor. The import of this is that social cohesion dimension of cordial relations among ethnic groups in Nakuru County can be said to be relatively poor.

On whether there is participation in community affairs among ethnic groups, 30.31% of the respondents agreed that there is participation in community affairs (5+4 on Likert Scale); 23.30% think that the level of participation was fair while 46.39% (2+1 on Likert Scale),
indicated that participation among different ethnic groups was poor. The import of this finding is that though the government has done enough to ensure there is access to services in the county, majority in the County feel that they do not participate enough in the affairs of the community, hence affecting social cohesion.

On whether there is tolerance and respect among different ethnic groups, 30.35% (5+4 on Likert Scale), agreed that there is some level of tolerance in the County; 26.29% felt that the level of tolerance and respect in the county was fair, while 43.36% (2+1 on Likert Scale) think that the level of respect and tolerance among the groups is poor. Though majority of the respondents indicated that situation on respect and tolerance among ethnic groups was poor, it can also be concluded that a greater majority felt that it was either good or fair, an indicator that there is optimism among the respondents.

On whether there is a sense of trust among ethnic groups, 27.08% (5+4 on Likert Scale) of the respondents describe the situation as good; 34.69% see it as fair while 38.23% of the respondents think that the sense of trust among the groups is poor. On the whole, the level of trust in the County can be assessed to be fair but leaning towards ‘poor’.

On whether there is respect for diversity in the community, 30.89% of the respondents think that the level of respect to diversity is good; 30.89 % think the level of respect for the diversity is average or fair while 38.22% see it as poor. Therefore, on the whole, level of respect for diversity is assessed to be fair but strongly leaning towards ‘poor.’

On whether there is integration among ethnic groups, 30.08% of the respondents indicated that the level of integration was good; 27.37% indicated it to be fair while 42.55% assess the
level of integration in the county to be poor. This means that on the average the level of integration in the County is fair but strongly leaning towards ‘poor’

Lastly, the respondents were asked on their assessment on level of confidence and trust in existing institutions, with 29.69% assessing it to be good; 27.91% assessing it to be fair while 42.40%, assessing it to poor. On the average, the level of confidence on institutions is therefore assessed to be fair but strongly leaning towards ‘poor’.

From these findings, it can be concluded that the respondents assess the level of relations in Nakuru County based on the dimensions of social cohesion to be fair but strongly leaning towards poor, meaning that social cohesion level is basically weak. This is an indicator that any trigger factor can influence these dimensions negatively, leading to more conflicts.

In addition, this, the respondents were asked to describe their sense of belonging and inclusion to the society over the issue of land and majority of the respondents, 60.7% indicated that they felt that they have a sense of belonging in as long as they owned land in the area. On the other hand, 29.3%, felt that they did not feel a sense of belonging to the community despite owning land in the area in as long as they did not have secure land ownership. This is exemplified by a key informant (X41) from Maela, who stated:

1There is a sense of belonging to the community because we own the land we live in, despite our differences. We are held together by land as our property without which, we would not be here. 2However, the issue of land also drives conflicts around here but at the end of it all, we know this is our home and we have nowhere else to go. (1belonging, 2land conflicts)

On the issue of inclusion, majority of the respondents, 53.7% indicated that they felt there was no sufficient inclusion in the affairs of the society, while 46.3% indicated that there was
sufficient inclusion in the affairs of the community. The level of inclusion in the affairs of the community can therefore be assessed to be fair, as exemplified by a discussant, Y\textsubscript{26} from Molo who argued:

\footnote{Much as there are differences in the community arising from land issues, people are able to access to services offered in the community such as education, healthcare, government services, religious and social activities, among others. At no time have our children been sent away from school on account of their origin. We feel satisfied that no discrimination in terms of access to services, though there are instances when people have been denied jobs on account of their origin.} (\footnote{Inclusion})

The issues of belonging and inclusion, which are critical elements of social cohesion, are assessed to be fairly observed in the community in Nakuru County. However, presence of land conflicts continue to affect the way they are perceived in the County.

4.10 Implications of the Findings on Social Cohesion

The findings of this research have established the linkage between land conflicts and social cohesion as discussed in the previous section. A strong social cohesion, according to Boehnke and Boehnke (2016) has the following indicators: feeling of fair treatment; solidarity and helpfulness in the society; trust, acceptance and respect for diversity; respect and adherence to rules as well as trust in institutions.

On the effects this has on social cohesion, the first objective on development of historical land Tenure disputes established that the causes of land Tenure disputes, which were identified as divisive politics, negative ethnicity, corruption, colonial land policies and historical injustices, inheritance disputes, among others, remain unresolved. The effects of unresolved historical land disputes were identified as: clashes and insecurity, negative social relations, ethnic
groupings, injustices and inequalities, loss of land and livelihood, squatting, among others, which lead to land conflicts with negative implications to social cohesion.

On second objective on deployed land tenure systems, it was established that deployed Land Tenure Systems had effects on cohesion among communities in Nakuru County. The respondents argued that in as long as issues of historical land injustices remain unresolved and communities continue to perceive each other negatively, deployed Tenure Systems will not change the situation, hence perpetuating the attendant negative implications on social cohesion in the County.

On the third objective on challenges to the attainment of secure land ownership, the following were established as the main challenges to secure land ownership: negative ethnicity, divisive politics, corruption in the land sector, inheritance disputes, historical injustices, boundary disputes, among others. The effects of these challenges among the inhabitants in the County include: fear of loss of land, clashes and insecurity, lack of cohesion, political tensions, injustices and inequalities as well as low land productivity.

On the fourth objective on effectiveness of the existing land resolution measures, it was established that all the existing land resolution mechanisms were largely ineffective, contributing to the following implication: increased negative ethnicity, intolerance among communities, insecurity, lack of co-operation among members of different communities, inequality, loss of livelihood and increased political tensions. These are the effects and impacts which have been experienced among different communities in Nakuru County which impede the achievements of social cohesion within the society. The implications of this is that
key tenets of social cohesion, including security, peace, equality, and participation in community affairs, access to services, opportunities, respect and tolerance among ethnic groups, are affected negatively.

Security of the area is affected due to insecurity, clashes, political tensions and conflicts. Security forms a key tenet of social cohesion. Security is not just absence of conflicts or crime, but as Krause (2009) states, security, in a more comprehensive approach, means being safe from the threats that include diseases, hunger, repression and protection from sudden and harmful disruptions in the patterns of life. Ogata (1998) identifies key elements that constitute human security: living peacefully in a secure environment: that the state and citizens must cooperate to resolve conflicts through peaceful means. Secondly, there should be uninterrupted enjoyment of all rights, may they be political, social, economic and social. Thirdly, there must be social inclusion, that is, equal access to social economic and political agenda, involvement in making laws and policies, provision of rule of law and adherence to it.

Additionally, peace as a key element of social cohesion is affected when the environment for co-existence is jeopardized by existence of factors that promote negative attitudes in the community. From the results of this research, it is clear that peace is affected in Nakuru County by the presence of these factors that promote negative attitudes such as negative ethnicity, divisive politics, corruption, unresolved historical injustices, among others. Peaceful co-existence is therefore low in the County based on these findings. Peace cannot be taken on its face value and according to Galtung (1975), peace is not just the absence of violence or war, which he refers to as the negative peace, but that the presence of factors
which involve co-operation among parties and eradication of the root causes of conflicts, which he refers to as positive peace.

The element of equality, which goes along with justice, is also a key tenet of social cohesion, which is negatively affected in Nakuru County, when issues of land remain as they are. Deutsch (2006) understands equality as principle of distributive justice which prevails when there is cohesiveness, social harmony and fostering strong social relations. Deuttsch adds that the absence of equality and justice in a community affects not only individuals who are victims, but the larger society whose moral norms are also violated. When factors such as corruption, discrimination, historical injustices, negative ethnicity and divisive politics are present as confirmed by the findings of this study, then equality and justice become elusive, hence affecting achievement of strong social cohesion in the County.

Overall, the most critical finding in this study is on community involvement in seeking solution to land conflicts for social cohesion. The study established that there is minimal engagement of the local community on land matters, from the formulation of policies and their execution, leading to conflicts. Additionally, there has been little involvement of the local community in resolution of these disputes. Involvement of the local community in land matters is essential since they are the land users. Nyabira (2019) identifies failure to involve the community in land matters as one of the greatest challenges as far as land conflicts and utilization of land for development is concerned. The National Land Policy (2009) also calls for greater community involvement in land matters but that has not been the case as has been revealed by the findings.
Having established that land issues remain unresolved and with negative implications to social cohesion, the respondents were asked to suggest ways to address land issues to enhance social cohesion and the following were the recommendations.

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enhance alternative and traditional land dispute resolution mechanisms</td>
<td>9.95</td>
</tr>
<tr>
<td>Involving and Empowering Locals in seeking solution to land matters</td>
<td>30.79</td>
</tr>
<tr>
<td>Create awareness on dangers of ethnicity</td>
<td>13.4</td>
</tr>
<tr>
<td>Address historical injustices</td>
<td>14.35</td>
</tr>
<tr>
<td>Enforce law to curb political incitement</td>
<td>15.3</td>
</tr>
<tr>
<td>Address Corruption in institutions involved in land matters</td>
<td>16.21</td>
</tr>
</tbody>
</table>

**Figure 4.26:** Proposals for Addressing Land Issues  (Source: Field Data, 2019)

Figure 4.26 shows that most of the respondents, 30.79% recommended for involvement of the locals in seeking solution to the land issues in the County in order to enhance social cohesion. This is in line with findings discussed in the previous section (Section 4.8) that found out that community involvement in land issues in Nakuru County was poor. These findings correspond to Yamano and Deininger (2005), Syagga (2011) and Koisaba (2015), who identified lack of community participation in land matters as one of the major reasons land conflicts have persisted in Rift Valley Region. The locals feel that government policies take a
top-bottom approach, thereby leaving them out in critical decisions involving them, yet they bear the consequences of these decisions.

Other findings from the respondents indicate 16.21% recommend corruption issues be addressed, especially in institutions handling land matters, that is, MoLPP, NLC, ELC, Land Adjudication committees, Lands Department in NCG, among other institutions; 15.3% recommend enforcement of laws to curb divisive politics such as political incitement and hate speech; 14.35% of the respondents would like the issue of historical land injustices addressed; 13.40% would like more awareness and sensitization campaigns to educate people on dangers of negative ethnicity; while 9.95% want alternative and traditional land resolution approaches be enhanced. These recommendations would ensure the issues of land are addressed to ensure stability in the land sector an issue which will enhance social cohesion.
CHAPTER FIVE
SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

This chapter gives a summary of the findings, conclusions of the research based on the findings discussed in Chapter Four. Further, it gives recommendations as per the findings. The study also makes proposals for further research.

5.1 Summary of the Findings

The study had four objectives namely: to establish historical development of Land disputes and their implications on social cohesion in Nakuru County; to examine the deployed Land Tenure systems and their implications on social cohesion in Nakuru County; to evaluate challenges or impediments faced by the affected communities in attaining secure land ownership in Nakuru County and to assess the efficacy of existing conflict resolution mechanisms in resolving land conflicts for social cohesion in Nakuru County.

On the first objective, the study established that 77% of the respondents held that historical development of Land policies and legal frameworks are the major reasons for historical land conflicts that have destroyed community relationships and social fabric. Issues of divisive politics, negative ethnicity, corruption, colonial policies and historical injustices, inequalities, among other factors, were identified as indicators of historical land causes that have now taken prevalence in the County. The effects of unresolved historical disputes were incessant clashes and insecurity, negative social relations, injustices and inequalities, loss of property including land itself and livelihood, squatting, among others. These effects have negative implications on social relations within communities in the County. Oyugi (2000), attests that ethnicity per se, is a positive thing, but when it is politicized, then it becomes negative.
On the second objective, the study examined deployed land tenure systems and found out that though the government has put in place systems with apparent security on land occupied and individuals owning the land. Deployed land tenure systems include: Freehold with 81%, leasehold with 15%, and Customary with 3%. But 69% (254) of the respondents held that deployed land tenure systems are dysfunctional; they do not provide security to those owning the land. The study found that there is a general sense of insecurity which emanates from peoples’ lived experiences of violence, especially during highly charged political seasons where some, especially from non-local communities, are forced to abandon their land for their security. Additionally, the issue of the Caveat on land in Mau over conservation plans has left many local communities insecure, with fears of losing their land. The dysfunctionality of deployed land tenure systems is justified by Payne and Durand-Lasserre (2012), who state that land tenure systems are influenced by negative perceptions among existing social, political, cultural groups, creating existential gap among the affected groups.

In the third objective, the research made an evaluation of the challenges faced by the affected communities in acquiring secure land ownership in Nakuru County. First the study found out that 92% of respondents owned private land. 42% of the respondents inherited it from their parents and 22% were given land by the government; 28% of those who own land purchased it from the locals. Of all who own land, 52% have the title deeds while the rest did not have. The study found out that the main challenges to secure land ownership in the County include divisive politics especially during elections; negative ethnicity which is characterized by ethnic profiling, stereotyping and polarization; corruption which inhibits access, control and rights to ownership; historical land disputes which remain unresolved; injustices and
inequalities which create disparities and discrimination on land ownership, among other factors. The effects of these challenges include loss of land especially when there are conflicts; clashes and insecurity especially during periods of high octave politics as it happened during the 1992, 1997 and 2007 leading to deaths, loss of property, displacements, dislocations; lack of cohesion leading to ethnic groupings and attitudes; political tensions leading to fears; injustices and inequalities, among others, with attendant implications on social cohesion in the County.

The fourth objective assessed the effectiveness of existing conflict resolution mechanisms in resolving land conflicts for social cohesion in Nakuru County and established that the following measures were used to resolve land conflicts: Government agents, alternative dispute resolution, litigation, etc. The study found out that 24% of the respondents use local administrators such as chiefs and sub-chiefs, 22% use customary measures of elders and community village committees, 11% use alternative land dispute resolution mechanisms, 11% use litigation, 8% use land tribunals, while 6% employ the ministry of lands to resolve land related disputes. The results indicated that government agents are more satisfactory at 37.67% while the alternative measures were at 22.49% and the traditional measures were at 24.14% effective. None of these mechanisms had more that 50% of effectiveness, which implies that they are all less effective. Reasons identified for hindering the effectiveness of these measures in land conflict resolution within the County were identified to be corruption as reported in most institutions dealing with land issues; negative ethnicity which hinders conflict resolution among different communities; long court processes that make pursuance of justice for many people untenable; partisan outcomes by those adjudicating on land matters, bias in village committees, high cost of the process, and unwillingness by parties to abide by the decisions
among others. These factors were found not to favour community coexistence. Muigua (2017) attributed the persistent failure to resolve land conflicts in the County to disinterest to empower traditional mechanisms and over-reliance on government institutions which do not provide amicable solutions to the disputants.

In all this, the key finding that has a greater impact on social cohesion as far as land conflicts are concerned is that in seeking solution to the land problems, the approach has been a top-bottom approach since the local residents are hardly involved in the matter. Without sufficient involvement of the local communities in matters affecting them, especially on land matters, is a guarantee for perpetuation of land–based conflicts. Though the Constitutions demands that the community participate in formulation of policies, this has not been forthcoming, and if so, it has only been cosmetic. Their involvement ought to be real and genuine in policy formulation of land matters, land dispute resolutions, in seeking ways of addressing historical land injustices, land administration and registration, ways of conservation of Mau Forest, among others. This form of involvement has the capacity to eradicate or reduce land conflicts drastically and promote social cohesion since they would own the solution as theirs and is propagated by social capital theory guiding this research.

5.2 Conclusions

The study delved into finding out the implications that land conflicts have on social cohesion in Nakuru County, guided by the four objectives. Data was collected, analysed, presented and discussed guided by these objectives, and established that persistent land conflicts in Nakuru County have negative implications to the social cohesion.
On the first objective that sought to evaluate historical development of land conflicts, the study established that implementation of colonial land laws and frameworks resulted in massive loss of land by locals to settlers. In post-colonial period, the lost land was not returned to locals, rather, it benefited the political elites, their families and friends, as well as those who had been economically empowered to purchase land from settlers. The net effect for this is that historical land injustices remain unresolved, which perpetuates land conflicts, with negative implications to social cohesion in the County.

On the second objective, that sought to examine the deployed land tenure systems and their implications on social cohesion in Nakuru County, the study concludes that land tenure systems practiced in Nakuru County do not offer necessary security and stability for land owned. This creates uncertainties among land owners, especially during general elections, when land issue is used by politicians for political expediency.

On the third objective on challenges to secure land ownership, the study identified divisive politics, negative ethnicity, corruption, historical land disputes as the main challenges that impede attainment of secure land ownership. The presence of these challenges portend that land conflicts are likely to persist, with attendant negative implications to social cohesion.

On the fourth objective on assessing the efficiency of existing conflict resolution mechanisms in resolving land conflicts, the mechanisms were assessed to be largely ineffective and without such mechanism in place, land conflicts are likely to persist. Additionally, involvement of the community in addressing land issues and promoting social cohesion was assessed to be poor, an issue which contributes to persistent of land conflicts.
Additionally, there are four main issues that have been identified as the main challenges and triggers to conflicts within Nakuru County which continue to undermine the realization of secure and stable land ownership: corruption, negative ethnicity, divisive politics and historical land injustices. They continue to trigger conflicts over land among communities in Nakuru County and without addressing these issues, conflicts leading to violence and insecurity are likely to persist. This has negative implications to the sense of belonging, inclusion in the society, participation in community affairs, community involvement, integration and economic empowerment.

Conclusively, persistent land conflicts continue to have negative implications to social cohesion in Nakuru County. This study, therefore has contributed to the aspects of social cohesion the new knowledge, which can be used to assess situations similar to that of Nakuru County. Secondly, the issue of community involvement in land issues is another critical contribution of this study to the body of knowledge and to bring local solutions to the land issues and promote social cohesion.

5.3 Recommendations

The study offers a number of recommendations which are pegged along the four thematic areas/objectives: historical Land Tenure disputes, deployed Land Tenure disputes, attainment of secure land ownership and existing land resolution mechanisms. Lastly, the study gives room for further study on the land related issues for social cohesion.

On first objective on historical development of land disputes, the study recommends:

Government’s efforts to solve historical land injustices should involve the public since issues
of land cannot merely be resolved from institutional and legal frameworks that are detached from the real situation of the local communities involved in the disputes.

This enables the communities to embrace their own history of land injustices and find ground-based solutions to the problems that have bedevilled the communities for so long. This helps to find out long-lasting grass-root solutions that are identified with the local people themselves.

**On the second objective on deployed land tenure systems, the study recommends:** The promulgation of appropriate laws that criminalize ethnic profiling and polarization and be enforced. This also goes with the enforcement of the code of ethic for the political class enshrined in the Kenyan Constitution since they are the triggers to land conflicts.

Allocation of resources should be employed to give civil education and sensitizing the public on matters of land ownership and social cohesion. NLC should also foster the attainment of secure land ownership and be given the powers to prosecute land grabbers.

**On the third objective on challenges faced by the affected Communities in Acquiring Secure Land Ownership, the study recommends:** Stringent measures in dealing with ethno-political mobilization politics with renewed impetus on enforcing the law on perpetrators of political incitement by NCIC, which is mandated to deal with this issue.

Enhance the fight against corruption, with concerted efforts by all arms of government especially Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI) and the Office of the Director of Public Prosecution (ODPP) and civil society be given priority.
Safeguard land rights to ensure those who rightly own and occupy the land are protected against any loss through grabbing, theft, illegal allocation, squatting, double allocation, among others. These rights give the registered owners freedom on usage of land for economic exploitation and livelihood sustenance, credit using land as collateral, among others.

Ensure access and effective service delivery in land administration and registration: by making the process, accessible, transparent and easily understood and should accommodate all forms of land and with retrievable storage of documents. Additionally, awareness on land administration and registration should be conducted to equip residents with appropriate information on the processes.

**On the fourth objective on efficiency of existing Land Conflict Resolution Mechanisms for Social Cohesion the study recommends:** Empowerment of local administration to handle land conflicts, by ensuring local administrators such as Chiefs and their assistants, headmen, have enough training, tools, institutional support and emoluments to bring about resolution among parties.

Encourage and enhance local land-based resolution mechanisms since the top-bottom approach that has been in place makes the locals feel alienated from the process. The inter-community involvement to bring on across board elders, community groups such as women, youth and men associations, Community Based Organizations, Religious groups, institutions such as schools, colleges, and universities could bring about elusive solution to land issues.

Fostering alternative land dispute resolution mechanisms that encompass various resolutions strategies like negotiation, mediation, reconciliation, which are embedded in the local
communities’ infrastructure. Such mechanisms should underscore social integration through co-operative movements, welfare groups, and social action groups, and so on.

Reform government institutions such as ELC, NLC, MoLPP, to ensure swift and effective adjudication of land cases, people-friendly land frameworks and policies and effective handling of public land.

5.4 Suggestions for Further Research

The data analysed in the research demonstrates complexity of land related conflicts that adversely affect social coexistence of communities in the region and the study offers the following suggestions for further research:

Historical land injustices and social cohesion: The issue of historical land injustices was an outstanding finding in the first thematic and a research in this area will fill in a gap created by this study.

Stability of land tenure and social cohesion: This is an area that was identified as critical in the second thematic area. Finding the relationship between stability of land tenure and social cohesion will go a long way to answer a question created by the findings of this study.

Ethnic-politics and land-based economy for social cohesion: This came out as a major factor in the third thematic area. Politics is a factor that is critical in determining issues of land ownership and usage, hence need for further research

Local Community land-based resolution mechanisms and Social Cohesion in Nakuru County: The study examined the fourth thematic area on efficiency of land dispute resolution
mechanisms, and found out that the government employs top-bottom attempts to finding legal and structural solutions to the issues of land for social coexistence. However, this top-bottom approach has been found to undermine the community home-grown solutions, thereby alienating locals from adequately looking at the solutions that negatively impact their coexistence.
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APPENDICES

APPENDIX I: QUESTIONNAIRE

I am Evanson Njiru Nyaga, a student undertaking Doctoral Studies in Peace and Conflict at Kisii University. Currently, am undertaking an academic research on: **Land Conflicts and their Implications on Social Cohesion in Nakuru County, Kenya.** The research is part of the requirements for graduation at the University. Am requesting your support by responding to the questions below to enable me achieve the research objectives. The information provided will be highly confidential and for the purpose of this research only. Thank you for the information provided and your support in this research.

1. **Background Information**
   (Kindly tick in the appropriate box)

<table>
<thead>
<tr>
<th>Item</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Gender</td>
<td>Male □ Female □</td>
</tr>
<tr>
<td>ii. Age</td>
<td>18 – 30 □ 31 – 40 □ 41 – 50 □</td>
</tr>
<tr>
<td></td>
<td>51 – 60 □ Above 60 □</td>
</tr>
<tr>
<td>iii. Mode of Land Ownership</td>
<td>Couple □ Individual □</td>
</tr>
<tr>
<td></td>
<td>Joint □ In Trust □</td>
</tr>
<tr>
<td>iv. Level of Education</td>
<td>University/College □ Secondary □</td>
</tr>
<tr>
<td></td>
<td>Primary □ Non Formal □</td>
</tr>
<tr>
<td>v. Sub-County</td>
<td></td>
</tr>
<tr>
<td>vi. Ethnic Background</td>
<td></td>
</tr>
<tr>
<td>vii Status of origin in the County</td>
<td>Indigenous (local) □ Non-Indigenous □</td>
</tr>
<tr>
<td>viii Years lived within Nakuru County</td>
<td>0-10 □ 11 – 20 □ 21 – 30 □</td>
</tr>
<tr>
<td></td>
<td>31 – 40 □ More than 41 □</td>
</tr>
</tbody>
</table>
### 2. Historical Development of Land Disputes

<table>
<thead>
<tr>
<th></th>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>i</td>
<td>What are the causes of the current land conflicts in your area according to you?</td>
<td></td>
</tr>
<tr>
<td>ii</td>
<td>How would you describe colonial legal frameworks and policies on land</td>
<td></td>
</tr>
<tr>
<td>iii</td>
<td>Indicate the effects of unresolved historical land disputes on the integration of communities in your area</td>
<td></td>
</tr>
</tbody>
</table>

iv. Kindly tick in the suitable box to express your level of agreement or disagreement to the statements below:

<table>
<thead>
<tr>
<th></th>
<th>5=Strongly agree</th>
<th>4=Fairly agree</th>
<th>3=disagree</th>
<th>2=strongly disagree</th>
<th>1 = Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before colonialism, there were few or no land disputes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colonial land policies are main the root cause of historical land injustices and disputes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resettlement programs in post-independent period negatively affected co-existence among communities in Nakuru County</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Successive political regimes have not done enough to tackle historical land injustices and related conflicts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 3. Land Tenure Systems

<table>
<thead>
<tr>
<th>Item</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Land tenure system held in the land you occupy</td>
<td>Freehold</td>
</tr>
<tr>
<td>ii. Do you think the current land tenure systems affect interactions</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Explain your answer.
among communities in your area?

iii. Does the current Land Tenure system provide security for the land you own? Please explain

i. Please tick appropriately on the statements on Land Tenure Systems given below to express your agreement or disagreement to them:

<table>
<thead>
<tr>
<th>Statement</th>
<th>5=Strongly agree</th>
<th>4=Fairly agree</th>
<th>3=disagree</th>
<th>2=strongly disagree</th>
<th>1 = Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is respect for rules on land rights, access and control for owners.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private land is rightfully owned by those who occupy them</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The government manages public land for the benefit of all</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indigenous community has entitlement to land redistributed to non-indigenous communities since it’s their native land</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-indigenous communities have ownership rights over land they occupy</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. Land Ownership

vi. Kindly tick in the appropriate box on information given:

<table>
<thead>
<tr>
<th>Item</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Do you own land in your area?</td>
<td>Yes ☐ No ☐</td>
</tr>
<tr>
<td>ii. How much land do you own (in acres)?</td>
<td>Less than 3 ☐ 3 – 5 ☐ 6 – 10 ☐ 11 to 15 ☐ More than 15 ☐ None ☐</td>
</tr>
<tr>
<td>iii. Form of ownership on your land</td>
<td>Private ☐ Public ☐ Communal ☐</td>
</tr>
<tr>
<td>iv</td>
<td>Purchased ☐ Allocated by government/local</td>
</tr>
<tr>
<td>v.</td>
<td>How did you acquire your land?</td>
</tr>
<tr>
<td>----</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>vi.</td>
<td>Do you have legal documents for the land you occupy?</td>
</tr>
<tr>
<td>vii</td>
<td>Type of legal/ownership document you have</td>
</tr>
<tr>
<td>viii</td>
<td>Does possession of these documents make you feel secure for the land you occupy?</td>
</tr>
<tr>
<td>ix</td>
<td>Currently, how do you use your land and do you get interference from others on the usage?</td>
</tr>
<tr>
<td>x</td>
<td>What causes insecure land ownership in your area?</td>
</tr>
<tr>
<td>xi.</td>
<td>Identify the challenges faced in the attainment of secure land in your area?</td>
</tr>
<tr>
<td>xi.</td>
<td>What are the effects of insecure land ownership?</td>
</tr>
</tbody>
</table>

**vii.** Tick on the appropriate box to indicate the rights that you have over the land you occupy

<table>
<thead>
<tr>
<th>Land Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rights to buy land</td>
</tr>
<tr>
<td>Rights to legally sell land</td>
</tr>
<tr>
<td>Rights to change the current use</td>
</tr>
<tr>
<td>Rights to bequeath to the next generation</td>
</tr>
<tr>
<td>Rights to make decision on use of land</td>
</tr>
<tr>
<td>No rights</td>
</tr>
</tbody>
</table>
5. Land Dispute Resolution Mechanisms

<table>
<thead>
<tr>
<th>Item</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>i.</td>
<td>How do you deal with issues related to land conflicts?</td>
</tr>
<tr>
<td>ii.</td>
<td>What are the factors that hinder these actors in promoting social cohesion by resolving land disputes?</td>
</tr>
</tbody>
</table>

viii. How do you rate the effectiveness of the following land resolution mechanisms?

<table>
<thead>
<tr>
<th>National/Government mechanisms</th>
<th>5=Very effective</th>
<th>4=Effective</th>
<th>3=satisfactory</th>
<th>2=less effective</th>
<th>1=least effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative/local mechanisms e.g. negotiation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traditional mechanisms e.g. by elders, traditions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. Social Cohesion

<table>
<thead>
<tr>
<th>Item</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>i.</td>
<td>In your opinion, do you think issues of land have an effect on social cohesion among communities in your area? Please explain. Yes ☐ No ☐</td>
</tr>
<tr>
<td>ii.</td>
<td>Level of social cohesion among the indigenous and non-indigenous communities in Nakuru County? Please explain your choice Very Strong ☐ Strong ☐ Fairly Strong ☐ Weak ☐ Very Weak ☐</td>
</tr>
<tr>
<td>iii.</td>
<td>Challenges that communities face in interacting with each other in Nakuru County?</td>
</tr>
<tr>
<td>iv.</td>
<td>Please suggest ways of addressing land ownership to enhance social cohesion</td>
</tr>
</tbody>
</table>
ix. Please tick appropriate box to describe level of relations among ethnic groups in your area:

<table>
<thead>
<tr>
<th></th>
<th>5=Very Good</th>
<th>4=Good</th>
<th>3=Fair</th>
<th>2= Poor</th>
<th>1=very poor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cordial relationship among ethnic groups</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participation in community affairs among ethnic groups</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tolerance and respect among communities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sense of trust among ethnic groups</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Respect for diversity in community</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access to opportunities in community among ethnic groups</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Integration among ethnic groups</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confidence and trust in existing institutions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

x. Rate the involvement of local community in management of land and land related issues

<table>
<thead>
<tr>
<th>Involvement of local community in land matters</th>
<th>V. Good</th>
<th>Good</th>
<th>Fair</th>
<th>Poor</th>
<th>V. Poor</th>
</tr>
</thead>
</table>

xi. How would you describe your sense of belonging to the community and feeling of inclusion to the community affairs?

xii. Is there community organization to resolve land conflicts?

xiii. If there is community organization to resolve land conflicts, describe its composition and if it is registered to help in resolving land related disputes.
APPENDIX II: INTERVIEW SCHEDULE – ELDERS, GOVERNMENT AND POLITICAL LEADERS

I am Evanson Njiru Nyaga, a student undertaking Doctoral Studies in Peace and Conflict at Kisii University. Currently, am undertaking an academic research on: **Land Conflicts and their Implications on Social Cohesion in Nakuru County, Kenya.** The research is part of the requirements for graduation at the University. Am requesting your support by responding to the questions below to enable me achieve the research objectives. The information provided will be highly confidential and for the purpose of this research only. Thank you for the information provided and your support in this research.

1. **Background Information**

<table>
<thead>
<tr>
<th>Item</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Gender</td>
<td>Male ☐ Female ☐</td>
</tr>
<tr>
<td>ii. Age</td>
<td>18 – 30 ☐ 31 – 40 ☐ 41 – 50 ☐ 51 – 60 ☐ Above 60 ☐</td>
</tr>
<tr>
<td>iii. Marital Status</td>
<td>Married ☐ Single ☐ Widowed ☐ Divorced ☐</td>
</tr>
<tr>
<td>iv. Level of Education</td>
<td>University/College ☐ Secondary ☐ Primary ☐ Non Formal ☐</td>
</tr>
<tr>
<td>v. Sub-County</td>
<td></td>
</tr>
<tr>
<td>vi. Ethnic Background</td>
<td></td>
</tr>
<tr>
<td>vii. Status of origin in the County</td>
<td>Indigenous (local) ☐ Non-Indigenous ☐</td>
</tr>
<tr>
<td>viii. Years lived within Nakuru County</td>
<td>0-10 ☐ 11 – 20 ☐ 21 – 30 ☐ 31 – 40 ☐ More than 41</td>
</tr>
</tbody>
</table>

1. **Historical Development to land Disputes**

   i. What are the causes of the current land disputes in your area?

   ii. Do colonial and post-colonial legal frameworks and policies on land affect co-existence among communities in the area?

   iii. Do you think there are sufficient mechanisms to address historical land disputes?
2. Secure Land Ownership
   iv. Do you think registration of land and issuance of legal documents are enough proof of land ownership?
   v. What are the causes of insecure land ownership in Nakuru County?
   vi. What are the challenges faced in acquisition of secure land ownership?

3. Current Land Tenure Systems
   vii. Are current land Tenure Systems such as Freehold, Leasehold and Communal systems efficient in bringing about stability in land matters in the community?
   viii. Do these systems promote land rights, access and control among owners?

4. Dispute Resolution Mechanisms
   ix. How do you deal with issues related with land disputes?
   x. Who are the actors in resolution of land disputes at national and local level?
   xi. How efficient are these actors and what challenges do you think they face in resolving land disputes?

5. Social Cohesion
   xii. In your opinion, do you think the society is characterized by the following values?
       a. Sense of belonging to the society
       b. Inclusion/equal access to resources in the community
       c. Participation in community affairs
       d. Feeling of recognition/respect of diversities
       e. Recognition and respect for institutions in the society
   xiii. Does the issue of land affect the way different ethnic communities relate to each other in the County? Explain
   xiv. Do you think there is sufficient involvement of the local community in addressing land issues? Explain.
   xv. What do you think would be the best ways of addressing land entitlement issues and enhancing social cohesion in Nakuru County?
APPENDIX III: INTERVIEW SCHEDULE – LAND OFFICERS

I am Evanson Njiru Nyaga, a student undertaking Doctoral Studies in Peace and Conflict at Kisii University. Currently, am undertaking an academic research on: Land Conflicts and their Implications on Social Cohesion in Nakuru County, Kenya. The research is part of the requirements for graduation at the University. Am requesting your support by responding to the questions below to enable me achieve the research objectives. The information provided will be highly confidential and for the purpose of this research only. Thank you for the information provided and your support in this research.

1. Historical Development to land Disputes
   i. What are the causes of the current land disputes in your area?
   ii. Do colonial and post-colonial legal frameworks and policies on land affect co-existence among communities in the area?
   iii. What reforms have your Ministry done to ensure effective legal framework and policies to administer land services in your area?
   iv. Does your Ministry have sufficient mechanisms to promote justice in the land sector as a restitution mechanism?

2. Secure Land Ownership
   v. Do you think registration of land and issuance of legal land documents enough prove of land ownership?
   vi. How often do people access your office for land registration and processing of title deeds?
   vii. What are the main issues the community brings to your office?
   viii. What are the challenges do people face in attainment of secure land ownership in your area?
   ix. What do you think should be done to promote secure land ownership in the area of your jurisdiction?
3. Current Land Tenure Systems

x. Are land tenure systems such as Freehold, Leasehold and Communal systems efficient in bringing about stability in land matters in the community?

xi. Do these systems promote land ownership rights, access and control among the owners?

xii. In your opinion, do Land Tenure systems bring about stability in land ownership in your area? Explain

xiii. What are the effects of land tenure systems on integration of communities in Nakuru County?

4. Dispute Resolution Mechanisms

xiv. How does your Ministry/Department deal with issues related to land disputes?

xv. What challenges do you face in resolving land disputes?

xvi. Are you aware of local land dispute mechanisms in the community and if they are there, how effective are they?

xvii. Please suggest ways for effective land resolution

5. Social Cohesion

xviii. In your opinion, do you think the society is characterized by the following values?

   a. Sense of belonging to the society
   b. Inclusion/equal access to resources in the community
   c. Participation in community affairs
   d. Feeling of recognition/respect of diversities
   e. Recognition and respect for institutions in the society

xv. How do land conflicts affect integration of communities in the area?

xvi. What do you think would be the best ways of addressing land entitlement issues and enhancing social cohesion in Nakuru County?
APPENDIX IV: FOCUSED GROUP DISCUSSIONS

I am Evanson Njiru Nyaga, a student undertaking Doctoral Studies in Peace and Conflict at Kisii University. Currently, am undertaking an academic research on: Land Conflicts and their Implications on Social Cohesion in Nakuru County, Kenya. The research is part of the requirements for graduation at the University. Am requesting your support by responding to the questions below to enable me achieve the research objectives. The information provided will be highly confidential and for the purpose of this research only. Thank you for the information provided and your support in this research.

Date:…………………………..                               Time:………………………..

NAME OF THE GROUP ………………………………       AREA……………………

1. Background Information

<table>
<thead>
<tr>
<th>Item</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Gender</td>
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</tr>
<tr>
<td>ii. Age</td>
<td>18 – 30 ☐  31 – 40 ☐  41 – 50 ☐</td>
</tr>
<tr>
<td></td>
<td>51 – 60 ☐  Above 60 ☐</td>
</tr>
<tr>
<td>iii. Marital Status</td>
<td>Married ☐  Single ☐</td>
</tr>
<tr>
<td></td>
<td>Widowed ☐  Divorced ☐</td>
</tr>
<tr>
<td>iv. Level of Education</td>
<td>University/College ☐  Secondary ☐</td>
</tr>
<tr>
<td></td>
<td>Primary ☐  Non Formal ☐</td>
</tr>
<tr>
<td>v. Sub-County</td>
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<td>vii Status of origin in the County</td>
<td>Indigenous (local) ☐  Non-Indigenous ☐</td>
</tr>
<tr>
<td>viii Years lived within Nakuru County</td>
<td>0-10 ☐  11 – 20 ☐  21 – 30 ☐</td>
</tr>
<tr>
<td></td>
<td>31 – 40 ☐  More than 41 ☐</td>
</tr>
</tbody>
</table>

2. Historical Development to land Disputes

   i. Do colonial and post-colonial legal frameworks and policies on land affect co-existence among communities in the area?
ii. Do you think there are sufficient mechanisms to promote justice in the land sector as a restitution mechanism?

3. Secure Land Ownership

iii. Do you think registration of land and issuance of legal and ownership documents enough prove of land ownership?

iv. What are the challenges faced in attainment of secure land ownership?

4. Current Land Tenure Systems

v. Are land tenure systems such as Freehold, Leasehold and Communal efficient in bringing about stability in the community?

vi. Do these systems promote land ownership rights, access and control among the owners? Explain

5. Dispute Resolution Mechanisms

vii. How do you deal with issues related to disputes of land?

viii. Who are the actors in resolving land disputes at national and local level?

ix. Do you think there are enough local mechanisms to resolve land disputes? Explain.

x. Do land disputes affect integration among communities in your area? Explain.

xi. What is your role as a leader in ensuring efficient resolution to land disputes and enhancing social cohesion?

xii. What challenges do you encounter in resolving land disputes in your area?

6. Social Cohesion

xiii. In your opinion, do you think the society is characterized by the following values?

   a. Sense of belonging to the society

   b. Inclusion/equal access to resources in the community

   c. Participation in community affairs
d. Feeling of recognition/respect of diversities

e. Recognition and respect for institutions in the society

xiv. Does the issue of land affect the way different ethnic communities relate to each other in the County? Explain

xv. Give the best ways of addressing land related conflicts that would enhance social cohesion in Nakuru County.

xvi. Local Community’s involvement in land matters.
### APPENDIX V: OBSERVATION MATRIX

<table>
<thead>
<tr>
<th>ISSUE/ITEM</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Land use – indicate whether land is used for agriculture or for pastoralism</td>
<td></td>
</tr>
<tr>
<td>2  Settlement mapping – do communities live alongside each other or in ethnic groupings?</td>
<td></td>
</tr>
<tr>
<td>3  Nature of settlement – permanent or semi-permanent?</td>
<td></td>
</tr>
<tr>
<td>4  Body language when interacting with respondent – e.g. reaction when the other community is mentioned</td>
<td></td>
</tr>
<tr>
<td>5  Coded language - in reference to other communities</td>
<td></td>
</tr>
<tr>
<td>6  Whether villages of respondents are homogenous or cosmopolitan</td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX VI: FORWARDING LETTER TO NACOSTI FROM RESEARCH DEPARTMENT, KISII UNIVERSITY

KISII UNIVERSITY

OFFICE OF THE REGISTRAR RESEARCH AND EXTENSION

KSU/R&E/ 03/5/vol.1/12

Date: 8th March, 2019

The Head, Research Coordination
National Council for Science, Technology and Innovation (NACOSTI)
Utalii House, 8th Floor, Uhuru Highway
P. O. Box 30623 – 00100
NAIROBI – KENYA.

Dear Sir/Madam

RE: NYAGA EVANSON NJIRU REG. NO. DAS/60156/14

The above mentioned is a student of Kisii University currently pursuing Doctorate of Philosophy (PhD in Peace and Conflict in the Faculty of Arts and Social Sciences. The topic of his research is, “Land Entitlement and Its Implications on Social Cohesion in Nakuru County, Kenya”.

We are kindly requesting for assistance in acquiring a research permit to enable him carry out the research.

Thank you.

Prof. Anakalo Shitoni, PhD
Registrar, Research and Extension

Cc: DVC (ASA)
Registrar (AA)
Director SPGS

08 MAR 2019

KISII UNIVERSITY IS ISO 9001:2008 CERTIFIED
APPENDIX VII: AUTHORIZATION OF RESEARCH FROM NACOSTI

NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

Ref: No. NACOSTI/P/19/62547/28834

Date: 18th March, 2019

Evanson Njiru Nyaga
Kisii University
P.O. Box 408-40200
KISII.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on “Land entitlement and its implication on social cohesion in Nakuru County, Kenya” I am pleased to inform you that you have been authorized to undertake research in Nakuru County for the period ending 18th March, 2020.

You are advised to report to the County Commissioner and the County Director of Education, Nakuru County before embarking on the research project.

Kindly note that, as an applicant who has been licensed under the Science, Technology and Innovation Act, 2013 to conduct research in Kenya, you shall deposit a copy of the final research report to the Commission within one year of completion. The soft copy of the same should be submitted through the Online Research Information System.

GODFREY P. KALERWA MSc., MBA, MKIM
FOR: DIRECTOR-GENERAL/CEO

Copy to:

The County Commissioner
Nakuru County.

The County Director of Education
Nakuru County.
APPENDIX VIII: NACOSTI PERMIT

THE SCIENCE, TECHNOLOGY AND INNOVATION ACT, 2013

The Grant of Research Licenses is guided by the Science, Technology and Innovation (Research Licensing) Regulations, 2014.

CONDITIONS
1. The License is valid for the proposed research, location and specified period.
2. The License and any rights thereunder are non-transferable.
3. The Licensee shall inform the County Governor before commencement of the research.
4. Excavation, filming and collection of specimens are subject to further necessary clearance from relevant Government Agencies.
5. The License does not give authority to transfer research materials.
6. NACOSTI may monitor and evaluate the licensed research project.
7. The Licensee shall submit one hard copy and upload a soft copy of their final report within one year of completion of the research.
8. NACOSTI reserves the right to modify the conditions of the License including cancellation without prior notice.

National Commission for Science, Technology and Innovation
P.O. Box 30623 - 00100, Nairobi, Kenya
TEL: 020 400 7000, 0713 788787, 0735 404245
Email: dg@nacosti.go.ke, registry@nacosti.go.ke
Website: www.nacosti.go.ke

Serial No.A 23693

CONDITIONS: see back page

THIS IS TO CERTIFY THAT:
MR. EVANSON NJIRU NYAGA
of KISII UNIVERSITY, 30091-100
Nairobi, has been permitted to conduct
research in Nakuru County

on the topic: LAND ENTITLEMENT AND
ITS IMPLICATION ON SOCIAL COHESION
IN NAKURU COUNTY, KENYA

for the period ending:
18th March, 2020

Applicant's Signature

Permit No: NACOSTI/P/19/62547/28834
Date of Issue: 18th March, 2019
Fee Received: Ksh 2000

Director General
National Commission for Science, Technology & Innovation
APPENDIX IX: LETTER OF AUTHORIZATION TO DO RESEARCH FROM COUNTY COMMISSIONER, NAKURU

THE PRESIDENCY
MINISTRY OF INTERIOR AND CO-ORDINATION OF NATIONAL GOVERNMENT

Telegram: “DISTRICTER” Nakuru
Telephone: Nakuru 051-3212213
When replying please quote

COUNTY COMMISSIONER
NAKURU COUNTY
P.O. BOX 81
NAKURU

Ref No. CC. SR.EFU 12/1/2 VOL.1/59 20TH March 2019

TO WHOM IT MAY CONCERN

BE:- RESEARCH AUTHORIZATION – EVANSON NJIRU NYAGA

The above named student from Kisii University has been authorized to carry out research on “Land entitlement and its implication on social cohesion”, in Nakuru County for a period ending 18th March, 2020

Please accord him all the necessary support to facilitate the success of his research.

J. B. KICHWEN
FOR: COUNTY COMMISSIONER
NAKURU COUNTY
APPENDIX X: LETTER OF AUTHORIZATION TO CONDUCT RESEARCH FROM COUNTY EDUCATION OFFICER, NAKURU

MINISTRY OF EDUCATION
STATE DEPARTMENT OF EARLY LEARNING OF BASIC EDUCATION

Telegram: “EDUCATION”,
Telephone: 051-2215117
When replying please quote
Email: ctenakurucounty@gmail.com
Ref: CDE/MEU/GIN/4/1/21 VOLT/500/7

COUNTY DIRECTOR OF EDUCATION
NAKURU COUNTY
P. O. Box 259,
NAKURU

“30th March, 2019

TO WHOM IT MAY CONCERN

RE: RESEARCH AUTHORIZATION – EVANSON NJIRU NYAGA
PERMIT NO. NACOSTI/P/19/62547/28834

Reference is made to letter NACOSTI/P/19/62547/28834
dated 18th March, 2019

Authority is hereby granted to the above named to carry out research on “Land
equity and its implication on social cohesion in Nakuru County in
Kenya” for a period ending 18th March, 2020.

Kindly accord him the necessary assistance.

G.M ONTIRI
FOR: COUNTY DIRECTOR OF EDUCATION
NAKURU

Copy to:

Kisii University
P. O. Box 408 – 40200
KISII

198
APPENDIX XI: PLAGIARISM REPORT

LAND CONFLICTS AND THEIR IMPLICATIONS ON SOCIAL COHESION IN NAKURU COUNTY, KENYA

ORIGINALITY REPORT

16% SIMILARITY INDEX
11% INTERNET SOURCES
5% PUBLICATIONS
14% STUDENT PAPERS

PRIMARY SOURCES

1. Submitted to Kenyatta University
   Student Paper
   2%

2. Submitted to Kisii University
   Student Paper
   2%

3. Submitted to Mount Kenya University
   Student Paper
   1%

4. kmco.co.ke
   Internet Source
   <1%

5. Submitted to Masinde Muliro University of Science and Technology
   Student Paper
   <1%

6. Submitted to University Der Es Salaam
   Student Paper
   <1%

7. Submitted to Saint Paul University
   Student Paper
   <1%

8. www.focusonland.com
   Internet Source
   <1%
APPENDIX XII: MAP OF LOCATION OF NAKURU COUNTY

Source: KNBS (2009)