Historical Development of Land Disputes and Their Implications on Social Cohesion in Nakuru County, Kenya

Evanson Njiru Nyaga,
Department of Political Science, Peace and Security Studies
Kisii University

Dr. Anthony Ichuloi, PhD
Department of Philosophy and Religious Studies
Kisii University

Dr. George Mose, PhD
Department of Sociology and Gender
Kisii University

Dr. Pia Okeche, PhD
Department of Political Science, Peace and Security Studies
Kisii University

Abstract:- Globally, land related conflicts have deep social implications; they lead to deaths, hate, intimidations, tensions, dislocations and displacements of many people from their homes, thereby adversely affecting social cohesion among individuals and communities. In Kenya, deep land related conflicts are as a result of the country's historical development. Kenya's history is critical in analyzing and understanding land conflicts that have ravaged social lives of many people. This study seeks to assess the historical mishaps that led to land disputes in Kenya, specifically in Nakuru County, which is one of the most affected regions in the country. Land related conflicts have fragmented the social fabric of the affected communities living in the region. The study sought to examine the historical perspective of the causes of land related conflicts underlining their implications onsocial cohesion in Nakuru County. The study used the descriptive design to explain the underlined variables. Both primary and secondary datawas used with the size of 500 informants. Sampling methods used were: purposive, snowball and clustered simple sampling. Data collection tools were: questionnaires, interview schedule, Focused Group Discussions and observations. The research found that colonial land frameworks and policies are the main causes of land conflicts in the region, which have divided communities, making them perceive each other as enemy. People dispossessed and dislocated from their lands.The study recommended for the involvement of communities and councils in seeking solutions to historical land injustices as a way of finding lasting solutions to land disputesfor a firm social life of those living in the region

Keywords:- Land Disputes, Colonial Land Frameworks, Social Cohesion

I. INTRODUCTION

Conflicts that are alleged to be clashes between different cultural communities usually are conflicts over land and related natural resources. This means that land is one of the critical underlying factors in many resource-driven conflicts globally (Machira, 2008), fundamentally because land it is considered the most valuable and the foundation of all other economic resources such as minerals and to communities that depend on it for economic development. Those owning land tend to defend it by all means, including the use of violence since losing it implies losing their livelihoods. Landrelated conflicts have deep social implications; they lead to deaths, enmity, tensions, dislocations and displacements of many people from their homes, thereby adversely affecting social cohesion among individuals and communities. In Kenya, deep land related conflicts are as a result of the country's historical development. Kenya's history is critical in analyzing and understanding land conflicts that have ravaged social lives of many people.

II. BACKGROUND

Globally, land drives many social conflicts between many communities (Sifuna, 2009). For instance, there exist histoicalland conflicts between Israel and Palestine over Gaza region, 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. In Guatemala in the region of Verapaces, a study of 35 rural land conflicts revealed that 37% of the conflicts were violent causing murder, hate, deaths of many people, assaults and intimidations, personal injury and damage to property.

In Africa, a number of countries such as Angola, Somalia, South Sudan, Central African Republic, etc., have torn to pieces by identity based conflicts, usually related to geographical location, often exploited by political actors like allegiance to ethnic tribe. In Ethiopia, in 2006 more than 23,000 people were displaced from their homes following clashes triggered by disputes over land ownership between neighbouring ethnic groups in the Southern part of the country. It is estimated that between 100 and 150 people were killed in the clashes. In Uganda, there is inter-ethnic conflict between the Iteso and Karamoja communities on traditionally held lands. The agro-pastoralist Iteso community feels that they are a targeted minority and are losing access to their traditional lands. The dispute between the two communities is more than a century old, living under constant threats. Land conflicts lead to enmity, hate, deaths of many people, suspicion among the populations of these nations, hence compromising affecting their security, peace and social cohesion. Tribal land related conflicts lessen the readiness of people to cooperate with each other in the diversity of collective initiatives that members of society are expected to do in order to live together and prosper; they cannot cooperate and form partnerships that forge for their social development.

The magnitude of land related conflicts is enormous in Kenya, driven by the fact that Kenya's economy is land-based; land is considered the most valued factor of production, with over 80% of the population relying on the only 20% that is arable for the practice of agriculture. With the increasing population, land as a resource that determines the livelihoods of many people is becoming scarcer, leading to competition and scramble to own it (Okowa, 2015). In Nakuru County, thousands of families have been internally displaced as a result of land conflicts prevailing in the area (Kariuki, 2005). Since independence, the country has experienced many land related conflicts, particularly in the Rift Valley region. These conflicts have an effect on social fabric of the affected population, impoverishing the quality of their coexistence and the functioning amongof the institutions mandated to ensure better social lives of the people (UNDP, 2015). Those affected by land related conflicts tend to lack the sense of belonging and identity, legitimacy, feel excluded, not recognized by the government (Jensen, 1998). Such negative social feelings erode the social aspects of their lives by breeding social conflicts and tensions.

III. THE 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. It possesses economic, social, political and cultural components, which are measured by other several parameters, some of which includestrong 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-assuredand solid society. Socio-cultural diversities enrich individuals and communities and therefore should not be thought not to matter.

However, in Nakuru County, because of frequent ethnic land conflicts the parameters of social cohesion have been adversely affected or eroded. 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.

IV. LITERATURE REVIEW

In Kenya, land conflicts have long colonial imprints and continue to persist in post-colonial period due to colonial land policies and frameworks that led to dispossession, dislocation and displacement of local communities from their lands (Syagga, 2011).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, in community owned land (Wayumba, 2015). 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 and the need for more land was achieved by expanding into unoccupied areas, with some communities conquering others in order to occupy their land.

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 when he argues 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. Conflicts were few and when they arose, there were also mechanisms to resolve them like bottom local community meetings, which climaxed in eating together as a sign of reconciliation, leading to an amicable resolution to the conflict. On the issue of land tenure in pre-colonial period, Kanga (2019) argues that land tenure system in Kenya during pre-colonial period was largely based on unwritten customary laws, which were verbally passed down from generations to generations. According to him, village 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. This system worked quite well for the community members and even non-members whom in several occasions, through the chiefs and elders, could be gifted or allocated land. Accordingly, as Syagga (2011) states, the pre-colonial period was largely devoid of land conflicts since there was little competition for land, which was plenty and there were amicable solutions to land disputes.

However, this community based approach changed during colonial period, between 1895 and 1963. 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) states land ownership laws applied by the British Land Acquisition Act of 1894, led to loss of land by the locals. The lands that were forcefully acquired from Africans were referred to as Crown Landsand were under the control the King or Queen of England (Ogendo, 1996).As Kimaiyo (2004) reveals, 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 lands within the territory of Kenya under Crown Lands Ordinance of 1902. According to Veit (2012), by that time, about 1,300Km^2 of arable land in Rift Valley highlands and some parts of Central Kenya allocated to a East African Syndicate, a private organ, to promote settlement of settlers interested in establishing farms for agricultural production for export. Veit (2011) argues that a motivation to invest in agricultural production, settlers who had invested in more than 1,000 British pounds were entitled to 1,000 acres, that is, about 4Km^2 for free. This led to establishment of many coffee and tea plantations in areas such Nakuru, Thika Kericho and Limuru but on the flipside, many locals were disposed of their land. Additionally, as critically, as Kimaiyo (2004) states, leases for land for settlers were increased from 99 years to 999 years to ensure an absolute ownership of the White Highlands.

The dispossession of people from their land was done through policy and legal frameworks that were dictated from London and as Wayumba (2015) reveals, in 1915, the colonial regime amended the Crown Lands Ordinance of 1902, thereby facilitating more dispossession of land belonging to the indigenous communities.Additionally, as Syagga (2011) and Koisaba (2015) reveal, the Carter Commission of 1932 proposed a dual settlement policy where Africans would be settled in Reserves which were less productive and less development while the arable Highlands werereserved for the White Settlers and prioritized for infrastructural development. This idea of dual settlements was enhanced by the Kenya Land Commission of 1934 and enforced by the Crown Lands Ordinance (1938). This dual settlement program was 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 practiced in the marginal areas where many Africans were confined (Ojienda, 2010). This led to immense loss of land by the indigenous communities and alienating these communities from its members (Ndege, 2015). As a result, as Wakhungu, Huggins and Nyukuri (2008) reveal, there were increased agitation by Africans for land rights and calls for independence, leading to increased conflicts from groups such as the MAU MAU. By the time of independence in 1963, as Syagga (2011) states, white settlers occupied 21,000Km^2 of total area of Kenya or an equivalent of 6% cent of Kenya's land in the Highlands.

The revolt by the communities over land and political rights, as well as the global wave of independence, gave Kenya the prospects of being an independent nation, with majority of Kenyans hopeful that with independence, their lands would be returned. However, as Veit (2011) reveals, in 1960, British government started negotiations at Lancaster House in London and in Nairobi withselected Kenyan leaders to pave way for 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. During the negotiations that ended in 1963 the most contentious issue was land. Whereas most Kenyan leaders wanted the British unconditionally surrender the land they occupied to the dispossessed locals, the British negotiated for a willing-buyer-willing seller plan and compensation for the land surrendered. At the end of these negotiations, a new constitution was drafted that wasfavorable to the British settlers with the adoption of willing-buyer-willing-seller' that was also favored the rich elite class of Kenyans, since they had funds to buy the landowned by settlers (Kariuki, 2015). 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 deal from the sale of land before Kenya got independence in 1963. The land owned by the settlers was taken up by elite political class (Ichuloi, 2018).

This model in itself created class conflicts among the Kenyan population – the conflicts between the rich elite and the majority of the poor population in post-colonial period, who had hoped for return of their land at independence. In order to diffuse the emerging conflict, the new government came up with 'One Million Acre Scheme' to settle more than 35,000 landless Kenyans (Boone, 2012). However, the program did not benefit them, rather, it benefitted the elite and their families and this further exacerbated the conflict (Syagga 2011). There were considerable policy developments in post-colonial period geared towards addressing the land problem, as Koisaba (2015) states, however, in practice, not much changed since the colonial land frameworks and policies were maintained. 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.

Another critical factor in post-colonial period is the issue of resettlement of non-locals in areas that had been vacated by colonial settlers, especially in Rift-Valley Region, Nakuru County included. Kimaiyo (2015) argues that majority of those who acquired land from the settlers were perceived 'outsiders' such that, by 1977, close to 95% of the former White Highlands had been by mostly people from Central Kenya (Kikuyu, Embu and Meru communities), who comprised about 30% of the entire Kenyan population. This continues to be a great source of conflict, given that the locals who lost land did not understand how they could buy their own land. But how did the program benefit the elite yet it targeted the landless? Yamano *et. al*. (2010), 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, where this only benefited communities from Central Kenya, excluding other communities. Currently, the population of non-locals in Rift Valley region is more than 35%, with Nakuru County having a bigger percentage (Veit, 2011). The most unfortunate thins with this this is that this issue continues to foment land conflicts in the county, where the locals have deep negative feelings of being dispossessed of their land, thus affecting their social existence.

Accordingly, Dandy and Pe-Pua(2013) argue that social division and conflict are conceptualised as the opposite to social cohesion. Social cohesion social cohesion seeks peaceful contestation, voice, respect for cultural differences, rights and the freedoms of both individuals and groups (Norton, et al., 2013). The presence of conflicts, including land conflicts postulates the reality of a weak social fabric. The notable fact in the literature reviewed is the causes and effects of historical land disputes, however, they it does not address how such disputes affect social cohesion in Nakuru County. This was the gap the study intended to address.

V. METHODOLOGY

The area of study was Nakuru County, one of the 47 Counties in Kenya. The County covers an area of about 7,495.1Km2, it has a population of 2,162,202 people (male –1,077,272, female –1,084,835 and intersex – 95 (KNBS, 2019). The County is highly cosmopolitan, however, Kalenjin and the Kikuyu communities comprise of about 70% of the population and the two communities have been in conflict over land due to the erroneous perception that the Kikuyu community members were unfairly given land or bought land in Nakuru County that had been dispossessed from the local Kalenjin and Maasai communities during colonial period. Local Due to this, politicians use the land issue for their political expediency to incite the two communities, leading to violence since 1992. The climax of this ethno-politics was during the 2007/08 Post Elections Violence where more than 1000 people died and thousandsof people were displaced (Waki Commission, 2008).

The study focused on five selected areas in the County, which were most affected by land conflicts. The sample size for the study was 500 comprising of 400 respondents for structured questionnaire, 50 elders, government officers, victims of land elders and political leaders for interview schedules and 50 respondents in five Focused Group Discussions (FGDs). Qualitative research design was used and data collection used the following instruments: questionnaires, interview schedules, FGDs and Observations. Sampling techniques used were, purposive for key informants, simple random sampling for victims of land conflicts and snowballing for elders who are custodians of history, having observed the development of land conflicts. Data was analyzed using SPSS software and presented in form descriptive statistics using tables and charts while qualitative data was presented in form of verbatim and narrative reports.

VI. FINDINGS AND DISCUSSIONS

The study sought to establish historical development of land disputes and how they affect social cohesion in Nakuru County and the results are presented and discussed in this Chapter. From the sample size of 500 respondents, those who took part in the study were 450, comprising of 369 respondents in questionnaire category, 44 key informants in interviews and 37 respondents spread in 5 FGDs.

6.1. Causes of Historical Land Injustices

In a sequential order, the participants were requested to identify the causes of historical land disputes in the County. Based on the principle of causation, where every cause is perceived to have an effect and as the philosopher Aristotle states, knowledge of things are known only when the causes are established (Falcon, 2019). Therefore, the table 1 below reveals the results:

Cause	Responses	Percentage
Divisive Politics	186	23.6
Negative Ethnicity	171	21.7
Corruption	132	16.8
Inheritance Disputes	104	13.2
Colonial land policies and legal frameworks	98	12.4
Others (inequalities, poverty,	97	12.3
Totals	**788**	**100**

Table 1:- Causes of Land Disputes
Source: Researcher's Construct, 2019

Results in the table above, indicate that the respondents identified the following factors as the main causes of historical land disputes and conflicts in Nakuru County.

a. Divisive Politics: This was pointed out as the leading cause of land disputes in the County, at 23.60% (186) of the informants. The finding is 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 politically instigated divisive ethnic tensions building up among the communities over the 2022 upcoming general elections. This was also evident among majority of the key informants interviewed (about 60% of key informants), as noted by a key informant, a Kikuyu elder:

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 this ensured relatively peaceful situations in the two political seasons. At the moment, we are worried of what will happen in 2022 general elections what happened in 1992, 1997and 2007.

The sentiments were re-echoed during discussions at all the five FGDs, where divisive politics was identified as the leading trigger to land conflicts in the County. The groups are worried of 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 stated:

Some 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.

b. Negative Ethnicity: This was another key factor identified by most respondents, with 21.70%(171) of the study participants indicating that negative ethnicity is ~~to be~~ the cause of violence and tensions in the region. The post-colonial administration was perceived to have favored the Kikuyu community by importing them from the Central region and allocated them land in the Rift Valley. President Jomo Kenyatta is perceived to have maneuvered formerly Kalenjin and Maasai land in the fertile Rift Valley into the hands of poorer Kikuyu from Central Kenya under the program of settlement schemes, thereby setting an environment for ongoing animosity and conflict among those groups in the region (Ichuloi, 2018). The locals now use negative ethnicity to fight other communities ~~and~~ denying and discriminating them in the offering of basic services. Ethnicity and land 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 National Cohesion and Integration Commission (NCIC), nothing seemed to change, as exemplified by a key informant who stated:

Negative ethnicity is a national cancer that is killing the nation. One cannot get land services without being looked with the spectacles of ethnicity. Employment opportunities in the land ministry at Nakuru County Government are occupied 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 and we wonder where to 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.

The findings above are also stayed by the Commission of Inquiry into Post-Election Violence (CIPEV, 2008), commonly known as Waki Commission, which established that joining land issues and negative ethnicity to be as the main cause of conflicts in Nakuru and other parts of Rift Valley, with land issue as the underlying factor. The Commission identified ethnicity as the driver of most of the violence witnessed in the County and may other areas in Kenya, with politicians being identified as key agents to

these conflicts by promoting negative ethnicity. The issue of using negative ethnicity to attain land interests, therefore, is a major cause of historical land disputes that continues to dominate social relations in the region, thereby creating inequalities, injustices and discrimination among existing communities.

c. Corruption: The respondents, also identified corruption as a major cause of historical land disputes, at 16.80% (132) of the study informants. The postcolonial governments were perceived to be corrupt. The political class in its struggle to control regional resources amass economic power and mobilize ethnic groups. Political leaders hire groups of young, goons, armed men to protect their politicised corrupt economic interests that come with their election and reelection into power. On the basis of this, almost every election poll since the introduction of multiparty elections in 1992, 1997, 2002, 2007, 2013, 2017 is characterized by outbreaks of ethnic violence (Ichuloi, 2018). 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, as stated by one key informant:

Corruption is a major issue not only in Nakuru, but nationally. We can see what is happening to the issue of Arror 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 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.

The findings are buttressed by the Akiwumi Report (1999), Ndung'u Report (2004), Waki Commission (2008) who identified corruption in land administration, allocation, registration, titling, among others as a major cause of conflicts in the country. During FGDs, informants 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, therefore, a major issue and a contributor to historical land disputes and leads to injustices, inequalities, discriminations, loss of land and other effects.

d. Inheritance and Land Disputes: Inheritance is a cultural variable which cuts across historical development of society. Land inheritance and other assets is protected by the Constitution and other land legislations. 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). Despite this, there are disputes arising from inheritance as some people deny the heirs to the property their rightful share; while others inherit land and later sell it to members of other ethnic communities. However, this was identified as another major cause of land disputes in the County, with 13.20% (104) of the respondents. Inheritance mostly affect members of the same family or community, hence a manifestation of intra-family or ethnic land conflicts. This is attested by an interview from key informant from Njoro, a victim of inheritance dispute, whose mother had bequeathed some land before her demise. But, 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. The interviewee stated:

I 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 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.

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 deeds.

f. Colonial Legal frameworks, Policies and Historical Injustices: This was identified as another cause of historical land disputes by 12.40% (98) 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. 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, a key informant, an elder from 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.

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 discussant in one of the FGDs stated:

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.

The above findings resonate with a research by 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.

g. Other Factors: 12.3% (97) of the respondents identified other factors, which included: 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, and boundary disputes over unclear land boundaries. These factors were seen as fundamental in fueling land related ethnic clashes in the County.

6.2 Salient Historical Land Dispute Issues

Having established the historical causes to land conflicts that perpetuate land conflicts, the respondents were asked to express their level of agreement to salient 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 Table2.

Issues	5	4	3	2	1	Total
There were few or no land disputes before colonialism	**R**-165 **%**-44.71	129 34.96	36 9.76	28 7.57	11 2.98	**369** **100**
Colonial land policies is the underlying cause of historical land injustices	**R**-204 **%**-55.28	82 22.22	26 7.05	49 13.28	8 2.17	**369** **100**
Resettlement programs in post-independence Period negatively affect co-existence	**R**-155 **%**-42.00	58 15.72	129 34.96	17 4.61	10 2.71	**369** **100**
Successive political regimes have not Done enough to tackle historical land Injustices.	**R**-202 **%**-54.74	102 27.64	27 7.32	25 6.78	13 3.52	**369** **100**
Average	**R**- 181.5 **%**-49.05	**92.75** 25.14	**54.5** 14.77	**29.75** 8.06	**10.5** 2.85	

Table 2:- Level of agreement to Historical Land Disputes Issues
Key: R – Respondents, %-Percentage
Source: Researcher's Construct, 2019

As revealed in table 2above, most of the respondents, 44.71% (165) indicated strongly that before colonial period, there were few land disputes, while 34.96% (129) fairly agreed to it; this means that about 79.67% (294) 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. 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, as indicated by one of the key informants:

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. 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.

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, 55.3% (204) strongly indicated their agreement with the assertion, while 22.2% (82) of the respondents fairly agreed, meaning that about 77.5% (285) agreed with the assertion while a total of 21% did not agree and 3.2% did not know. The findings corresponded to sentiments of one key informant who was directly affected:

My 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.

Colonialism and its policies, therefore, is a major contributor to historical land disputes experienced in Nakuru County, an issue, which unfavourably affects co-existence with negative implications to social cohesion. The findings conform to Mazrui (2008) who stated that colonialism separated and conflicted groups of people who lived together for a long time.

On the resettlement scheme programs 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% (155) strongly agreed, while 15.72% (58) fairly agreed, which makes a total of 57.7% (212) of the respondents who agreed to the statement. The other 39.57% challenged the assertion and 2.71% of the respondents were indifferent to it. As indicated in the Literature Review, the government transported people from other regions, mainly from Central Kenya and resettled them in the Rift Valley Region, Nakuru County being 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 stated:

The colonial masters drove indigenous communities away from their land which was re-allocated unfairly after independence by the new political regime, where the non-indigenous communities were the main beneficiaries, hence leaving out the locals, who were the owners of the land before the colonialists took it away. 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 makaratasi tu (*the ownership documents are justpapers).

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, apolitical leader from the non-local community stated:

Our Kalenjin brothers think that we benefited a lot by being allocated land in this area, but nothing can be far from the truth. 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 know the political leaders benefited a lot from our predicament but we had no option. We can only move forward and not dwell on the past.

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 original and cultural lands allocated it to non-locals who originally never belonged to the regions of resettlement. This poor allocation of land 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, 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 on whether historical land injustices had been addressed, there were varied reactions. The majority of the respondents from the questionnaire category 82.38% (302), who are from all ethnic formations, sturdily indicated that historical land injustices had not been fully addressed, while 17.62% (66) felt that historical land injustices had been addressed. To them, though the government has done so to tackle land issues, which none of the leadership regimes has been able to address. They label this failure of the governing political regimes to be the reason for the persisting ethnic conflicts in the County. This view was reluctantly recapped by one of the key informants dealing with land matters:

One of the current challenges in addressing the issue is that historical land injustices cannot be addressed since it would affect very many people, villages, areas, hence create much bigger crisis. This would in effect lead to a much bigger violence and having witnessed like that of the 2007/8 PEV, it is better to manage the current situation than to create a situation for more crisis.

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.

6.3. Effects of Unresolved Historical Land Disputes

The study, having established the historical basis for the causes of 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 and the results are presented in Figure 1.
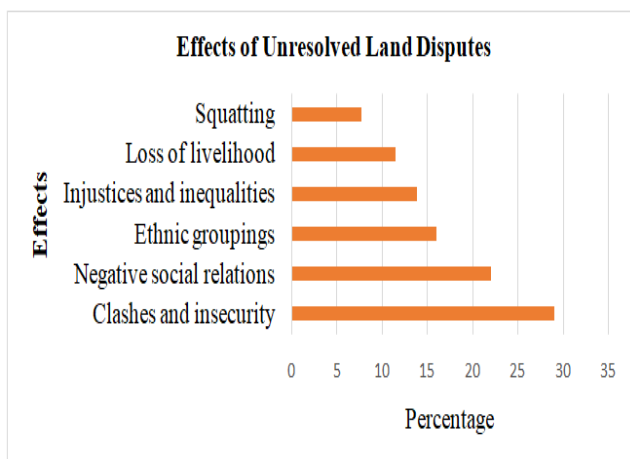

Figure 1: Effects of Unresolved Land Disputes
Source: Researcher's Construct (2019)

The results from figure 4.1 indicates that 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. The most indicting thing in all these clashes is that they all happen in the advent of the 2007 general elections, thereby confirming the political imprint in land conflicts. In essence, these conflicts consequently polarize the relational gap between existing communities in Nakuru County.

The findings are reinforced by Muchiri (2015) who found out that land based conflicts results to clashes and negative relations among communities which leads to deaths and destruction of property, insecurity in the affected areas, hatred among communities, negative ethnicity, among other consequences.These effects incapacitate the members of community in using their human and social potential in building their own social life. The net effect to this is that in

as long as historical land disputes are not resolved, conflicts are likely to persist, an issue which has negative implications to social cohesion in the County.

6.4. Historical land Disputes and Social Cohesion

Land conflict and social cohesion are inextricably linked. Land as a natural resource plays a central role in creating conflicts, which in turn affect social cohesion. Land is one factor among many drivers of social conflicts. The participants were then requested to state whether historical land conflicts do effect social cohesion, and majority of respondents, 89% (328), agreed that land issues affect social cohesion while 11% (41) 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, and unresolved historical land disputes persist, social cohesion will be affected negatively. One of the key informants stated:

Land 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 the indigenous and non – indigenous 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 the state of affairs is likely to continue if we do not come out as a society to resolve inherent land conflicts.

The immediate post-conflict period is often characterized by large-scale population evictions and a surge in land-related conflicts, which turn increasingly violent. Communities are displaced from their homes, fleeing to neighboring counties; internally displaced persons often end up in camps or in urban areas looking for security, livelihoods, and related services. Thus, land conflicts are accompanied by physical threats, including direct violence such as armed attacks, as well as by perceived threats to livelihoods and well-being, threats to group identity. Land and property are abandoned and forcefully appropriated by the claiming combating community. Some communities are forced to seek to enhance their security by accessing small arms to defend themselves by recruiting young men as militia groups to combat their enemy, thus compromising social security.

The same concern was prominent in all the five FGDs, which were unanimous that scramble for land has led to an increased unnecessary competition among communities making it difficult for them to collaborate and cooperate; there is always suspicion that certain perceived communities have come to grab land in the region. 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 guaranteed 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 in the region. Combative scramble for land among communities prevent sincere cooperation and collaboration 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 social gaps add to a sense of alienation, frustration and disempowerment of those perceived to have come to invade and grab land from the locals. All these negative forces affect the parameters of social cohesion such as include strong social relations, a feeling of connectedness, trust, connectedness, inclusivity, cooperation, collaboration, orientation towards the common good and gives feelings of belonging to a social setup. Because of frequent ethnic land conflicts the parameters of social cohesion have been adversely affected or eroded. The findings are in line with Wangechi, et al (2014), who identify land as a principal cause of ethnic conflicts, which affect peace and social cohesion in Nakuru County.

VII. CONCLUSION

Social cohesion plays an important role in peace and conflict management and as well as in the overall social development of communities. It possesses economic, social, political and cultural parameters, which are measured by other several variables, some of which comprise strong social relations, a feeling of connectedness, and orientation towards the common good and gives feelings of belonging to a social setup. Also, social cohesion extends horizontally inside and across human groups, as well as vertically, from individual communities to their leaders, at local and national levels of socio-political organization. These different frameworks provide comprehensive sets of indicators to accurately and concretely assess the strength of social bonds of communities and individuals. But unfortunately, historical land related disputes have adversely affected such important elements of social fabric. Historical land disputes have largely remained unresolved, with colonial land policies and legal frameworks being identified as the major reason for historical land disputes, with the issue of historical land injustices being identified as the major effect of these policies. Issues of divisive politics, negative ethnicity, corruption, colonial policies and historical injustices, inequalities, among other factors, were identified as causes of historical land disputes prevalent in the County. The effects of unresolved historical disputes were identified as 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 cohesion within the County. The study recommends for greater involvement of local communities in seeking solutions to historical land conflicts.

REFERENCES

[1]. Akiwumi Commission. (1999). Report of the Judicial Commission of Inquiry Appointed to Inquire into the Tribal Clashes in Kenya. Nairobi: Government Printer.

[2]. Boone, C. (2012). Land Conflict and Distributive Politics in Kenya. In *African Studies Review*. Volume 55, Number 1, April 2012. The University of Texas, Austin, USA.

[3]. Norton, A and Arjan, H. Social Cohesion: Theoretical Debates and Practical Applications with

[4]. Respect to Jobs. *Background paper for the World Bank*. New York: World Bank, 2013.

[5]. Dandy, J. and Pe-Pua, R. (2013). *Research into the Current and Emerging Drivers for Social Cohesion, Social Division and Conflict in Multicultural Australia*. Melbourne: Joint Commonwealth, State and Territory Research Advisory Committee (RAC), Australia.

[6]. Falcon, A. (2019). Aristotle on Causality. In *Stanford Encyclopedia of Philosophy*. Stanford: Centre for the Study of Language and Information, Stanford University.

[7]. Gaafar, R. (2014). *Women's Land and Property in Kenya*. Nairobi: Centre for Women Land Rights.

[8]. Githinji, P. (2017). *How Colonial Policies and Practices led to Land Injustices in Kenya*. Nairobi: Epic   Kenyan.   Retrieved   from https://www.epickenyan.com/colonial-policies-land-injustices-in-kenya/

[9]. Ichuloi, A. (2018). The Dynamics of Ethnic Identity Politics in Kenya's Political Landscape. In *International Journal of Humanities, Social Sciences and Education* Vol 5, Issue 11, 1-16.

[10]. Jenson, J. (1998). Mapping Social Cohesion: The State of Canadian Research. In *Canadian Policy Research Networks*. CPRN Study No. F03. Montreal: CPRN.

[11]. Kanga, M. (2019). *The Status of Tenure Security in Kenya*. Munich: University of Munich

[12]. Kariuki, J. W. (2005). The Impacts of Land Conflicts on Women's Livelihoods: The Case of

[13]. Nakuru District, Kenya. Unpublished Master's Thesis at the Centre of Land Management and Land Tenure, Technische Universität München.

[14]. Kenya National Bureau of Statistics (KNBS, 2019). 2019 Kenya Population and Housing

[15]. Census: Volume I. November, 2019. Nairobi: Government Printer.

[16]. Kipkemoi, L. J. (2015). *Factors Influencing Inter-Ethnic Conflicts in Kuresoi North Sub-County: Nakuru County, Kenya*. Nairobi: University of Nairobi.

[17]. Kimaiyo, T. (2004). *Ogiek Land Cases and Historical Injustices*. Nakuru:Ogiek Welfare Council.

[18]. Kimenyi, M., &Njuguna, N. (2006). Sporadic Ethnic Violence: Why Has Kenya Not Experienced a Full-Blown Civil War?In *Economic Models and Case Studies of Civil War*. Edited by Sambanis, N. and Paul, C. Retrieved from www.jstor.org

[19]. Environment and Land Courts Act. (2011). Nairobi: Government Printer

[20]. Land Registration Act, Act No. 3 of 2012. Nairobi: Government Printer

[21]. Machira, A. (2008). *Working for Peace: New Thinking for Peacebuilding*. Nakuru: Centre for Conflict Resolution.

[22]. Mazrui, A. (2008). African Conflicts: An Overview. In A. Nhema and P. Zeleza. (Eds). *The Roots of African Conflicts: The Causes and Costs*. Chicago: University of Illinois.

[23]. Ndunda, J. (2019). Culture Shock hits Kenyans on Women inheriting Father's Land. In *The Star*. 11th February 2019.

[24]. Ndung'u. (2004). Report of the Commission on Illegal and Irregular Allocation of Public Land. Nairobi: Government Printer.

[25]. Nyukuri, B. (1997). *The Impact of Past and Potential Conflicts on Kenya's Stability and Development*. USAID Conference on Conflict Resolution in the Greater Horn of Africa, June 2015. Retrieved from https://etd.nyukurilink.edu/.

[26]. Ogendo, O. (1996). *Tenants of the Crown: Evolution of Agrarian Law and Institutions in Kenya.* Nairobi: ACTS Press.

[27]. Ojienda, T. (2010). *Conveyancing Principles and Practice*. Nairobi: Law Africa Publishing (K) Ltd.

[28]. Oyugi, W. (2000). *Politicized EthnicConflict in Kenya: A Periodic Phenomenon.* Addis Ababa: East African Education Publishers.

[29]. Report of Truth, Justice and Reconciliation Commission. (2013). Nairobi: Government Printer

[30]. Syagga, P. (2013).*Public Land, Historical Land Injustices and the New Constitution.* Nairobi: Society for International Development.

[31]. UNDP. (2015). *Social Cohesion and Reconciliation (SCORE) IndexProject*. Retrieved fromhttp://www.cy.undp.org/

[32]. Veit, P. (2011). *History of Land Conflicts in Kenya.* New York: World Resources Institute.

[33]. Wakhungu, J., Chris H., &Elvin N. (2008). *Land Tenure and Violent Conflict in Kenya.* Nairobi: African Centre for Technology Studies (ACTs).

[34]. Waki. (2008). Report of the Commission of Inquiry into Post-Election Violence. Nairobi: Government Printer.

[35]. Wayumba, G. (2015). A Historical Review of Land Tenure Reforms in Kenya**.** In *International Journal of Scientific Research and Engineering Studies (IJSRES)*. Volume 2 Issue 1, January 2015. ISSN: 2349-8862) Nairobi: Technical University of Kenya.