Research Article

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Challenges to secure land ownership and their implications to social cohesion in Nakuru County, Kenya

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Abstract

Land ownership is a critical cause of land conflicts, which have deep social implications. These conflicts degenerate to violence, leading to deaths, displacements, dislocations, and mistrust among people, thereby adversely affecting social cohesion among individuals and communities. This study used a case study of Nakuru County, in Kenya to explore how historical land conflicts have evolved over time, their causes, and implication on social cohesion, given the ethnic diversity in the County. Nakuru county provided a rich ground for exploring the land conflict- social cohesion nexus given its past recurrent land-related conflicts and the heterogenic ethnic populations with differing land use behavior that set the stage for problematic competition for land resources. The study sought to identify and evaluate challenges to secure land ownership that drives land conflicts in Kenya and the implications they have on social cohesion. The study used a descriptive design to explain the underlined variables. Data collection tools were: questionnaires, interview schedules, Focused Group Discussions, and observations. The study recommended the 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 to enhance social cohesion.

Keywords: land conflicts, land ownership, social implications, social cohesion

Public Interest Statement

This study seeks to identify and assess the challenges that affect secure land ownership in Nakuru County, a cosmopolitan area experiencing persistent land conflicts, usually taking an ethnic dimension. Though the government has put in measures to address land ownership issues to enhance a peaceful and cohesive society, land conflicts persists. This is the gap being addressed by this research, and assessing how community involvement in land policies can be critical in finding local solutions to land ownership issues. This study is of great significance in providing critical information to agencies such as the government, the general public, religious organizations, NGOs and international agencies on the emotive land issue and social cohesion in Nakuru County and the recommendations of the study will help in finding a lasting solution to challenges of land ownership that drive land conflicts. It will also provide useful data where other researchers can build on.

Introduction

Land is the principal resource that often drives conflicts globally since all other resources underlie in it (Sifuna, 2009). Land is considered the most valuable and the foundation of all other economic resources such as water and minerals and communities depend on it for economic development. To such communities, therefore, owning land is an assential aspect of their lives since it is a source of livelihood. Lack of land is therefore considered a deprivation for a source of livelihood. Land owners tend to defend it by all means, including the use of violence since losing it implies losing their livelihoods. Land *conflicts* often lead to deaths, dislocations, displacements and animosity among communities, hence adversely affecting social cohesion. It is therefore critical to identify those challenges to secure land ownership and the implications they have on social cohesion in Nakuru, one of the Counties in Kenya that has experienced persistent land conflicts.

Globally, resources-based conflicts are a common global feature, and often pose a serious social threat to peace and stability Klare (2002). Land ownership is one of the key causes of land conflicts globally, and this is witnessed in the prevalent, 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, leading to violence which has resulted to death of thousands of people, hence affecting security, peace and social cohesion among Israel and Palestinian communities. (Reinhart, 2011). Similarly, global conflicts such as between Iraq and Kuwait over oil wells; Israel and Syria over Western Golan Heights; Korea and North Korea over Korean Peninsula; Russia and Ukraine over Crimean Peninsula; India and Pakistan over the state of Kashmir; Ethiopia – Eritrea over a contested boundary over Dada and Badme areas which are in Eritrea; Sudan and South Sudan over ownership of several states including Abyei; Ethiopia and Somalia over the Ogaden region, among other global conflicts (Klare, 2002; Huth and Allee, 2002 and Abdalla, 2010).

Kenya has had its share of land conflicts over land ownership issues, which usually take ethnic dimension. Land in Kenya is considered the most valuable commodity since land is 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, leading to intense competition (Okowa, 2015). Land conflicts in Kenya have long colonial imprints; they are considered to have started during colonial era and continue to persist in post-colonial Kenya due to colonial land policies and frameworks that led to dispossession, dislocation and displacement of local communities from their lands (Syagga, 2013). Other key triggers of social and land related conflicts in Kenya are ethnicity and politics, and as Boone (2002) argues, land issues and politics

of ethnicity are intertwined. Rift Valley region of Kenya is the most affected by land conflicts since, as Veit (2011) argues, 35% of the population is non-local and occupy land which the local communities claim is theirs, taken away during colonial period. Nakuru County, which is the area of study, is the most affected by these conflicts. These conflicts have generated to violence, 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, Odfaard and Sjaastad, 2007).

Conflicts have had negative impact on the quality of social relations among communities, which is the social cohesion (UNDP, 2015). Social cohesion is a critical element in the society and plays an important role in peace, security, coexistence and social development in the community. As Jenson (1998) argues, social cohesion has socio-economic and political components and is measured factors that include strong social relations, a feeling of connectedness, and orientation towards the common good and gives feelings of belonging to a social setup. 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 (Delhey *et al,* 2018).

In Kenya, the robust government approach to address land ownership issues is geared towards ensuring that there are minimal or no land conflicts and ensure a cohesive society. However, the government approach is perceived by communities in Nakuru as attempts to impose and enforce social unity by suppressing diverse ethnic identities. As such, communities in the region strongly feel excluded in the processes of land policy issues, and view the government initiative on land as a top-bottom approach. This is seen as the reason why land conflicts persist despite government efforts to resolve them. To address land issues and enhance social cohesion in the region, a bottom-up approach to seeking solutions to land conflicts is critical 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.

Literature review

As pointed out in the in the previous 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. 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. Additionally, Murphy, Roberts and Flessas (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. 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).

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 is any activity whose end product is to bring economic benefit that changes the life of its user. In addition to this, Goetz, Shortle and Bergstrom (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.

Colonialism has been identified as a major cause of insecure land ownership experienced in many places in Kenya today. According to Syagga (2013), Colonial administration and Kenya's elite political class contributed immensely to discontent among the local population in relation to allocation and ownership of land. Misappropriation of large parcels of land by the colonial and elite political class generated and still breeds massive inequality especially in land ownership and usage, resulting to landlessness, squatter menace, land degradation, poverty and social resentment against European settlers and local political class. 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. l

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. As pointed out by Yamano and Deininger (2005), many indigenous people have remained landless since in the tedious process they could not register their land. 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). 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).

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 the 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. Chelimo argues that to have a title deed for land owned means one has an entitlement to the enjoyment of some rights attached to legal ownership. 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: Allocation by the government, where the government transfers public land to individuals for a specified period and purpose and the conditions for use; Transfers / Purchase, where rights to land are transferred through purchases on a willing-buyer-willing-seller basis, among other modes.

Title Deed or Certificate of Lease, are legal proofs of land ownership (Land Act, 2012). To this end, 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. 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 Additionally, Sing'oei and Young (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.   These therefore form part of challenges that impede secure land ownership, however, the literature reviewed does not show how these factors affect social cohesion, hence the need for this study.

Methodology

Nakuru County, which is the area where the study was carried out, is among 47 Counties in Kenya, covers about 7,495.1Km2, its population is 2,162,202 people (male –1,077,272, female –1,084,835 and intersex – 95 and it's highly cosmopolitan, despite Kalenjin and Kikuyu communities comprising of about 70% of the population (KNBS, 2019). The two communities have been in conflict over land due to the perception that the Kikuyu community members were unfairly given land or bought land that had been dispossessed from the local Kalenjin and Maasai communities during colonial period. Due to this, politicians have used the land to incite the two communities, leading to violence since 1992. The climax of this ethno-politics over land was in 2007/08 Post Elections Violence where more than 213 people died and thousands of people were displaced in Nakuru County (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, graphs and charts as well as verbatim and narrative reports.

Findings and Discussion

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 and 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 then asked to indicate the size of land they owned and the following are the results as revealed in Figure 1.
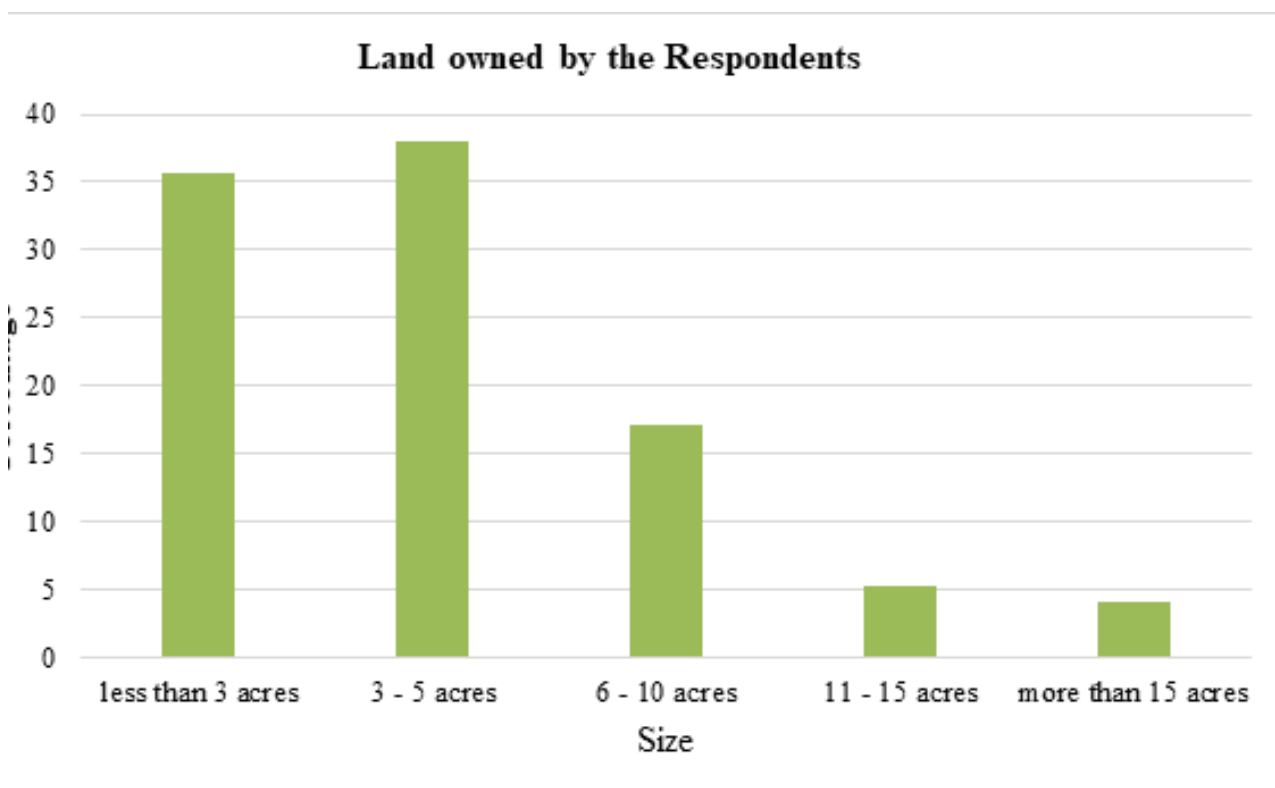

Land owned by the Respondents

Figure 1: Land Owned
Source: Researcher's Construct, (2019)

The findings indicate that majority of the respondents 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. This corresponds to the finding of a study by FARMUP (2015) from Egerton University which found out that land owners in Nakuru had an average of 3.48 acres, an indicator that majority practised small scale farming, their source of livelihood and would do anything to defend it, as indicated by a key informant 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 herders 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.

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 stated:

I 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. These are our young people who are the defenders of our heritage. 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 jobs we give them.

This is backed up by Yamano and Deininger (2005) who found out that land conflicts 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 when there is violence. 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, an elder in Olenguruone, who states:

I 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?

Having established the ownership of land, the research 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 the Figure 2 indicates the results:
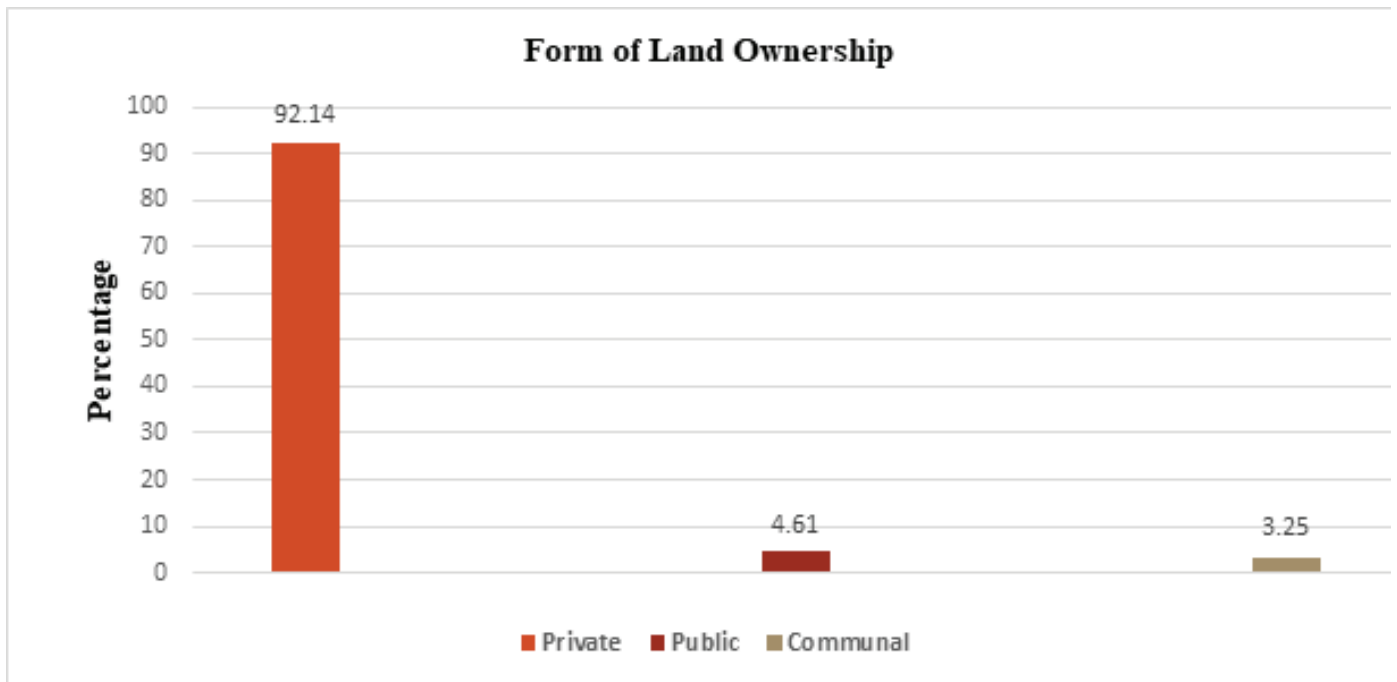
Figure 2: **Form of Land Ownership**
Source: Researcher's Construct 2019

From Figure 2, majority of the respondents, 92.14% of the respondents held private land ownership, while 4.61% were in public land and 3.25% in communally owned land. As indicated above by Veit (2011), the form of land ownership is a major cause of land disputes with private ownership exacerbating land conflicts in Nakuru County between the local and non-local communities. Public land has not attracted as much conflicts as the private ownership, while the customary system remains uncontested and private ownership is likely to sustain land conflicts as it is indicated by Veit (2011). 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 3:
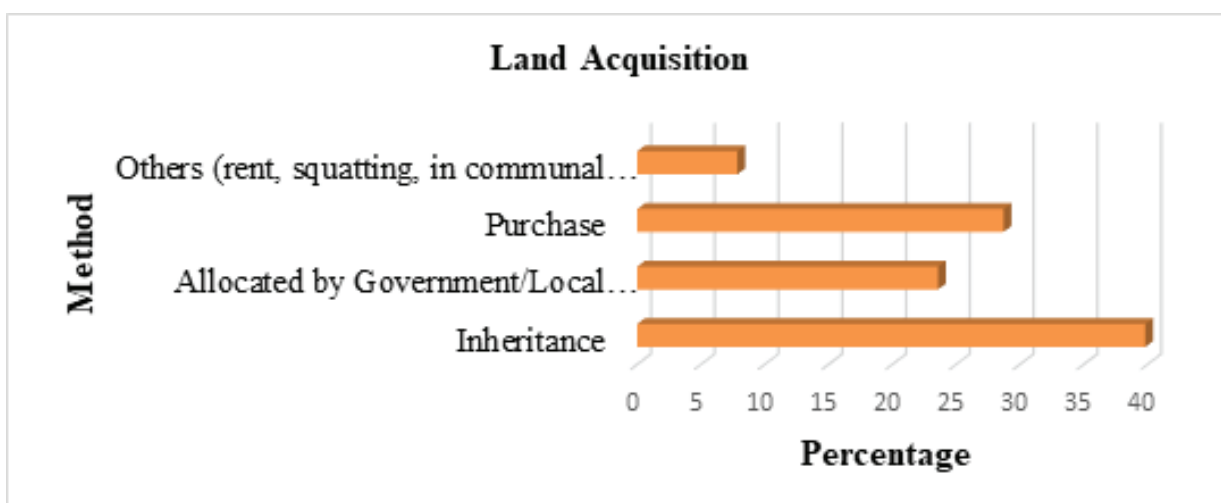

Figure 3: **Land Acquisition Methods**
Source: Researcher's Construct, (2019)

From Figure 3, it is clear that most of respondents, 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. These methods of acquisition conform to the study by Syagga (2013) who expounded that after independence, the government allocated land owned by white settlers to landless Kenyans, and others bought it on the basis of a willing–buyer–willing-seller, while others through inheritance. According to him, the mode of acquisition has been a cause of conflict in that the indigenous community has not accepted those who acquired land through government allocation, claiming that the land belonged to them and was taken away during colonialism. This is also asserted 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.

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 majority of the respondents, 81% had ownership documents, while 19% did not possess any form of ownership documents. The respondents were then asked the type of documents they possessed and Figure 4 indicates the results.
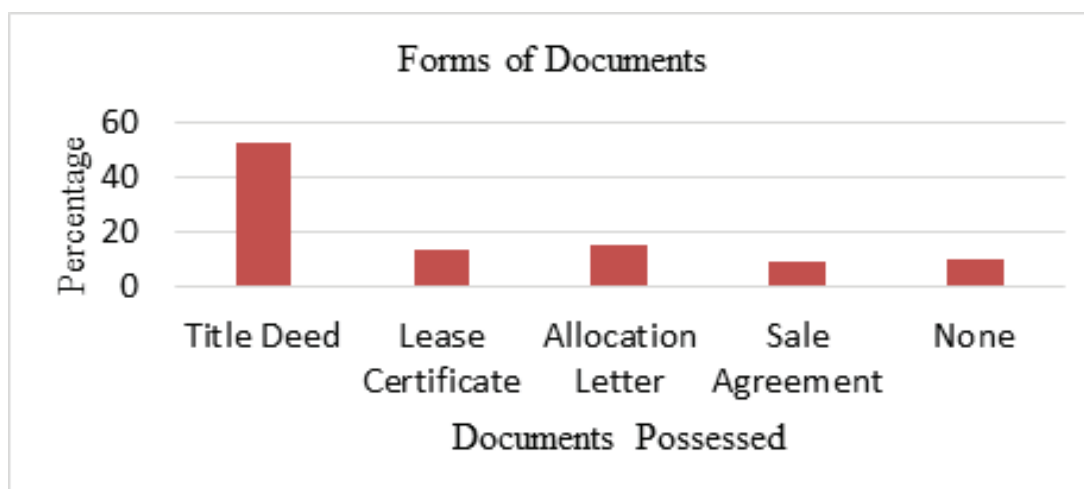

Figure 4: **Types of Ownership Documents**
Source: Researcher's Construct, (2019)

Figure 4 above reveals that 52.57% of the respondents 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 respondents possessed legal Jocuments for the land they occupied. The findings are in tandem with the Nakuru County Government (2013), which states that about 72.5% of land in the County had Title Deeds. Land Registration Act, (2012) indicates that possession of Title Deed or Lease Certificate, is 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. 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.

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-local community, held that possession of land registration documents do not necessarily provide security of ownership in the County, with one key informant who lost land during the 2007 PEV in Kuresoi stating:

> 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.

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. 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:
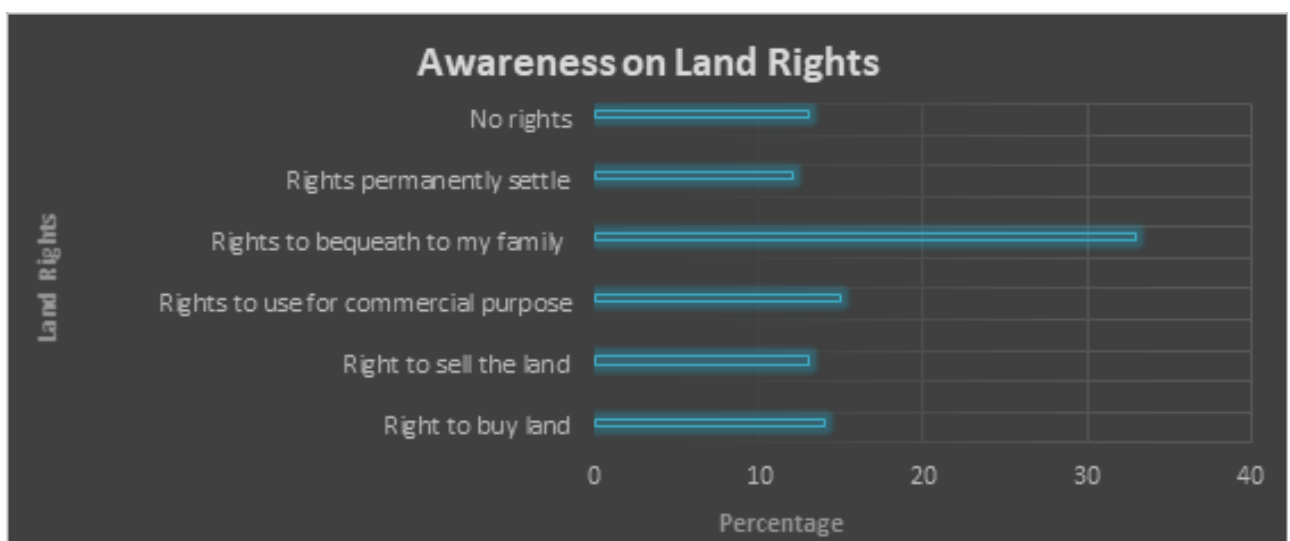

Figure 5: Awareness on Land Rights

Source: Researcher's Construct, (2019)

From Figure 5, 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. It is informed by the theory of entitlement which is guiding this study.

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, 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-indigenous 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, an elder from Kuresoi stated:

What 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 inheritance because there is hope that 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.

Therefore, land rights are important and this is reiterated by Kameri-Mbote (2013), who explains that 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. If this is not achieved, then the resultant situation is land conflicts with negative implications to social cohesion. 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:
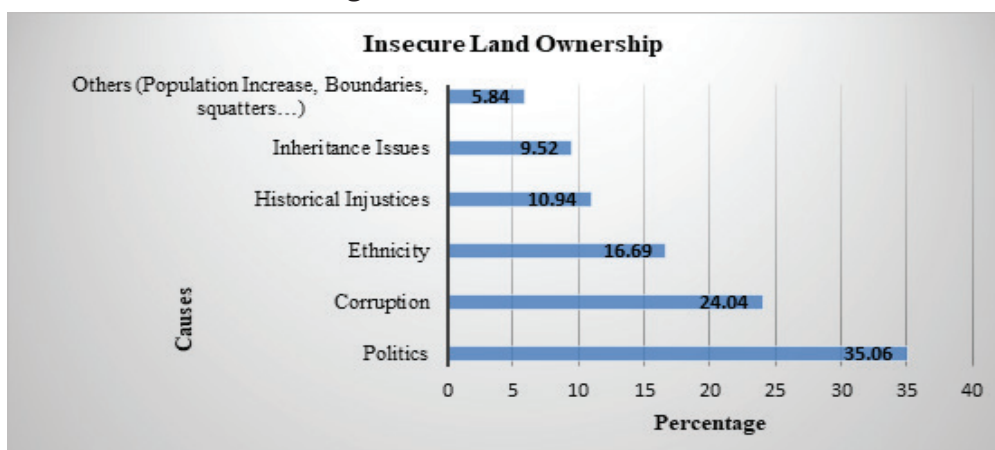

Figure 6: **Causes of Insecure Land Ownership; Source:** Researcher's Construct, (2019)

The respondents 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.

i. Divisive Politics: 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, 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 from Njoro stated:

> We 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. Our 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. This has always been the trigger to conflicts in this area.

These views demonstrate how critical the element of politics is in the County as it impedes realization of secure land ownership.

ii. Corruption: This is another factor that has dominated the choices of respondents in this study. The Ndung'u Report (2004) identified corruption as the major cause of conflicts especially in Rift Valley, with most officers working 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.

iii. Negative Ethnicity: This goes along with divisive politics and as explained above, most ethnic conflicts occur during high political seasons. It is at this time when political incitements along ethnic lines are high. It also becomes an impediment to the attainment of secure land ownership. 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 from Naivasha who stated:

> 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.

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.

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

v. Inheritance Issues: As discussed previously, inheritance disputes 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 of both entitlement and social capital theories which are guiding this study. 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:
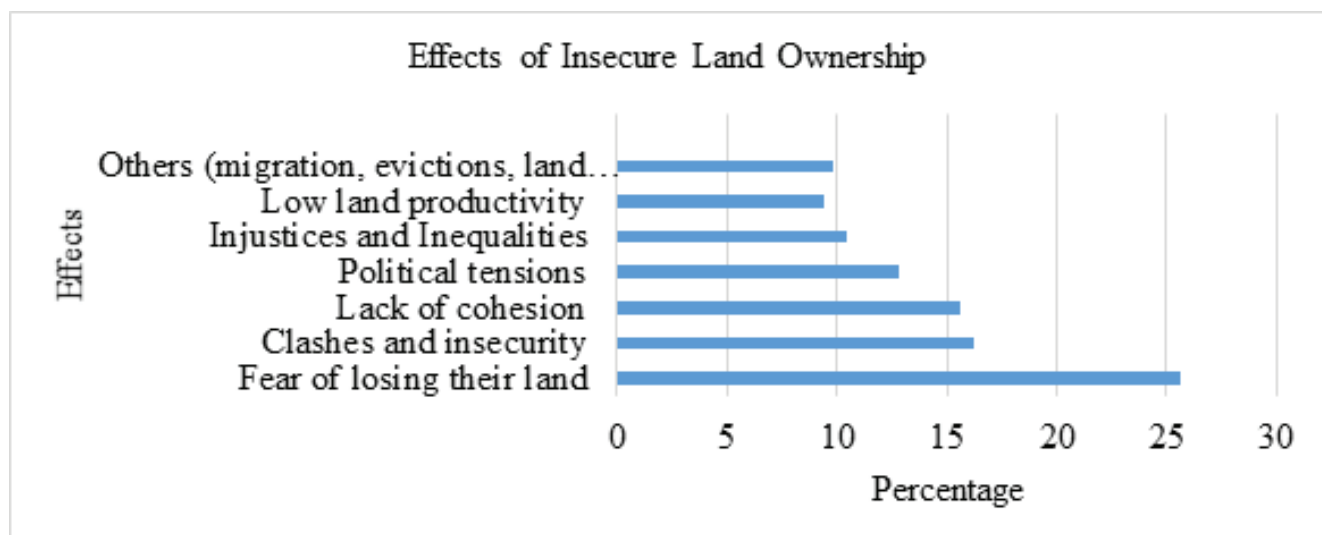

Figure 7: Effects of Insecure Land Ownership
Source: Researcher's Construct, (2019)

Majority of the respondents, 25.65% identify fear of loss of land as the leading effect of insecure land ownership, 16.27% identify clashes and insecurity; 15.56% identify lack of cohesion at, 12.83% identify political tensions; 10.45% identify injustices and inequalities; 9.35% 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 findings correspond to Kamanthe (2011) who, in his research, identified

loss of lives and land, inequalities, incessant tensions as the most immediate effects of land conflicts. When the land is not secure, there will also be lack of stability leading to conflicts with attendant implication to social cohesion in the County. When there is secure land, there will be stability leading to peaceful coexistence devoid of political, social and economic tensions, in tandem with entitlement and social conflict theories guiding this research.

Conclusion

The research made an evaluation of the challenges faced by the affected communities in acquiring secure land ownership in Nakuru County. It 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 study recommends for renewed impetus on dealing decisively with ethno-political mobilization politics; enhancing the fight against corruption; Safeguard landing land rights; ensuring access and effective service delivery in land administration and registration and involving the community on making land ownership policies and implementation plans.

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The level of contribution for co-authors is in their role of supervision of the Doctoral Thesis in terms of guidance, critique, reading and recommendations on ideas from other authors on the area of study.

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