



**Kenya Land Alliance**

**LAND AND ELECTIONS SERIES  
POLICY BRIEF / AUGUST 2021**

**LAND AND ELECTION VIOLENCE IN KENYA**

**BACKGROUND:** This policy brief is based on a two-day consultative workshop convened by the Kenya Land Alliance (KLA), August 19-20, 2021, at the Boma Inn, Eldoret. It draws its findings and recommendations from the contributions by delegates from Government (National and County), academia, members of the public, civil society organizations (CSOs), and other non-state actors (NSAs). While the forum was by no means exhaustive on the emotive subject of land and elections in Kenya, the delegates present were unanimous that it provided a welcome entry point on starting a public conversation on the touchy topic of land and elections. The recommendations are captured in the last section of the report, which will form the rationale for the organizers to venture into more partnerships by way of funding through proposal writing.

**OBJECTIVE OF THE WORKSHOP:** The overall objective of the two-day workshop was to discuss the questions of property rights and violence in Kenya, especially why and how the issue of land has caused violence in some areas and not in others. The specific objectives were; (i) to deliberate on the underlying reasons for sub-national variations in the occurrence of violence in Moi's Bridge and Burnt Forest; and (ii) to set the ground for future empirical analysis of these findings.

**FINDINGS:** The following is a summary of the findings, based on the discussion areas:

- 1. Why land is a sensitive issue in Kenya:** Land ownership is a form of identity and a sense of belonging. In Kenya, most land is ancestral land which is passed down through blood ties by a male cultural head. To be able to clearly understand the emotions attached to land ownership, there is a need to deconstruct the understanding of kinship identity in the strict sense of traditional African culture [sons of the soil].
- 2. Why land isn't a sensitive issue in other areas:** (i) Assimilation among communities through mixed marriages thereby diluting tensions, (ii) maintenance of communal land rights thus lessening conflicts, (iii) some areas in Kenya are not ethnically diverse; while (iv) some regions were less affected by colonial land policies.
- 3. Variation in electoral violence:** Many Kalenjins believe that electoral violence is a product of long-standing anger over land distribution following independence, and that the community land was alienated by the colonial government and then unfairly parceled out to other groups whom they view as outsiders.
- 4. Norms in land ownership:** In general, cultural norms determine how different societies value, hold and acquire land. In traditional Kenyan society, for instance, it's difficult to secure a bank loan using a title of ancestral land because, in the likely case of loan default, it would be difficult for the land to be sold unlike land in the city where the land can be easily disposed of.

## RECOMMENDATION AND WAY FORWARD

**Research to influence policy:** Conducting research on land and elections shouldn't be considered an end in itself. There's need for the research evidence to be translated into policy to drive meaningful change at the various Government ministries, departments and agencies (MDAs) in charge of those priority areas of intervention.

**Further studies:** To improve on the existing knowledge, it is recommended that a further exploratory research be conducted on this subject area focusing on the causes, mitigation, address processes and solutions to land conflict in Kenya. One of the starting point in this study will be to understand the link between cattle rustling and land violence (in West Pokot, Elgeyo-Marakwet, Turkana, Baringo, Laikipia, and Samburu Counties) as this is currently a hot-button topic in Kenya.

**Political goodwill:** Historical land injustices (HLIs) has been extensively documented by various Commissions of Inquiry set up by successive regimes to look into the issue, and the reports exist for government to act upon. There's need for stakeholders in the land and governance sector to open up all previous government reports on historical land injustices and push through legislation to implement the recommendations therein. This is the only way to close this matter once and for all.

**Local Dispute Resolution:** There is growing recognition of the importance of locally led peace building initiatives in violent conflict areas. Local peace building programmes are usually designed to include a clear understanding of the social, religious, cultural, philosophical, economic and political dynamics of indigenous communities. Understanding local dynamics informs the planning of peace building programmes and, therefore, is a condition for their sustainability. Local peace building initiatives are usually more relevant to their target population, taking into account pressing needs, as opposed to top-down interventions by foreign actors. The delegates recommend a policy intervention that recognizes the critical role played by local dispute resolution mechanisms in addressing land and elections conflict; and going further to incorporate them as the first intervention option in the HLI dialogue processes.

**National Lands Commission:** There is need to review the mandate of the NLC to give clarity of purpose and strength to discharge their role in addressing historical land injustices. As it stands, the NLC is bogged down by lack of clarity in the extent of their roles and functions and political interference in discharging their mandate. To this end, the KLA should mobilize all actors in the land and governance sector to sit-down with NLC with an aim of understanding the operational gaps hindering them from executing their mandate, and presenting policy recommendations to the Executive and Legislature for adoption.

**WAY FORWARD:** The Kenya Land Alliance (KLA), as the pioneer membership organization responsible for land and policy space in Kenya, should set up a base in the North Rift region, to provide an accessible location for concerned parties to convene for land and elections related programmes. For the regional office to work it is recommended they source resource persons from the regions where the programmes are implemented in order to make the network vibrant, encourage community buy-in and inculcate stakeholder ownership.

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