



*Kenyan Land Disputes in the
context of Social Conflict Theory*

By

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Kenyan Land Disputes in the context of Social Conflict Theory

The events after the disputed Presidential elections necessitates that we go back to basics and establish the theories of Kenyan Land disputes.

Its been acknowledged from all quarters that the post election violence was not about elections but about land and more specifically disputed land-long standing and ongoing land disputes





Kenyan Land Disputes in the context of Social Conflict Theory

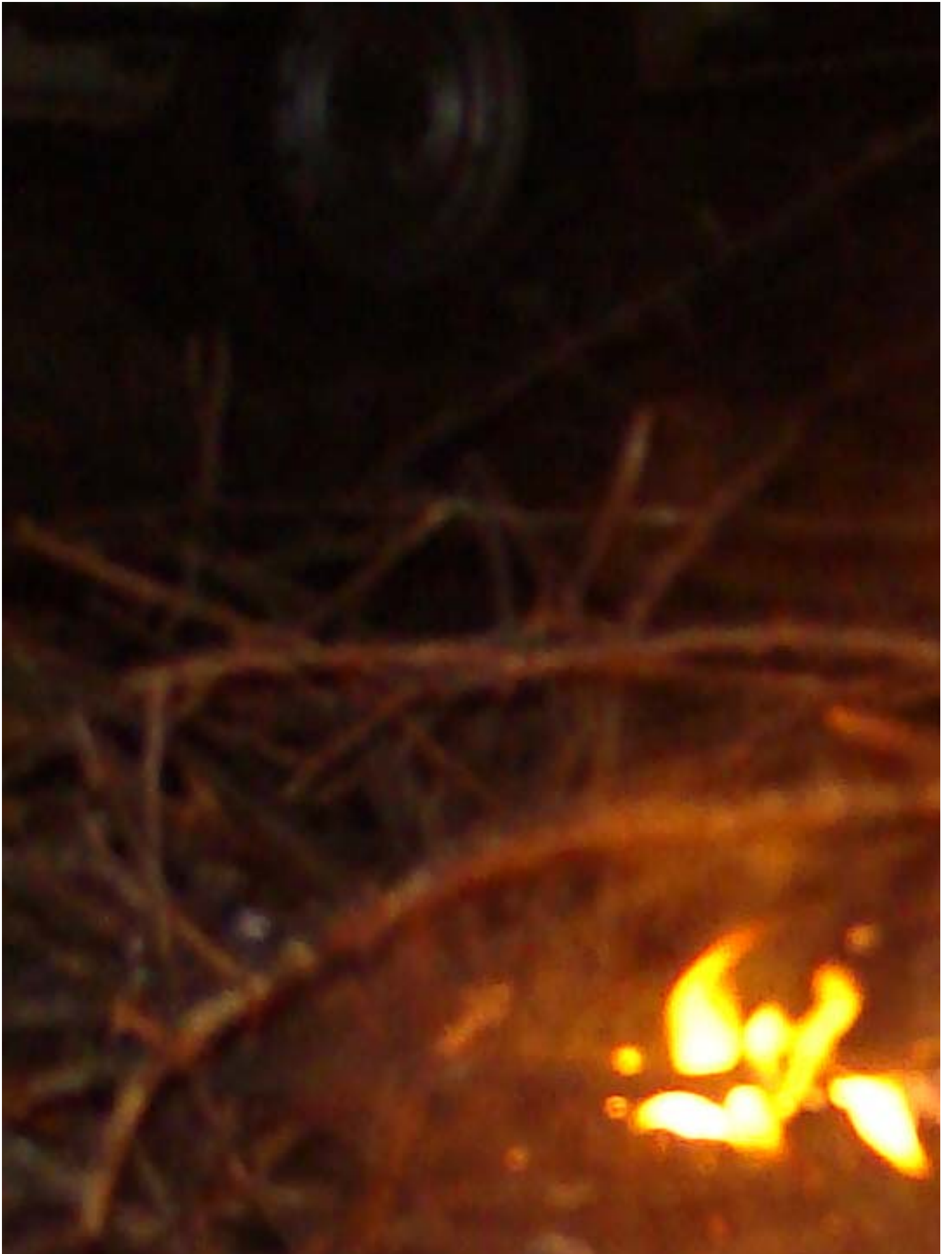
The effect were;

- Civil strife
- Loss of lives
- Population displacement
- Destruction of property
- Depressed Land Market



Internally displaced persons Camp







Internally Displaced in a Camp





*Why all these? What are the
Underlying Factors? What
explanation can Humanity offer?*

- i. Theory of Materialist
Interpretation of History*
 - ii. Theory of Dialectical Method of
Analysis*
 - iii. Theory of Political Program of
Revolution*
- 




*Why all these? What are the
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- i. Theory of Materialist Interpretation of
History-It is not consciousness that
determine existence but social existence that
determines consciousness example-*

The substantial and Procedural abuse of the
legal systems and the existing land
legislation.

There is no political existence without kinship
backing. To ensure kinship backing,
successive governments have been dishing
public land to loyalists for land is the main
means of generating income, accumulating
wealth and transferring the wealth between
successive political unit







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ii. Theory of Dialectical Method of Analysis

In view of the theory of dialectical method of analysis, any stages of history based on exploitative economic and political arrangements generate within itself the seeds of dispute.

Example-Land expropriation from the indigenous land owners by colonialists and the subsequent transfer of the same to Kenyan, elites gave forth a class of squatters and the slum's urban poor. Thus the squatter problem at Kenyan Coast, the Pastoralist versus Ranch owner's problem in Laikipia and the large Kenyan Slums







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*iii. Theory of Political Program of
Revolution* -In the context of the
theory of political program of
revolution, political reform must
be oriented towards socialism
and not capitalism to avoid
conflict in society . Thus;

tenure-political evolution must
ensure;

The sanctity of the doctrine of public
interest with respect to the
traditional practices and legal
systems.







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Ancestral sovereignty in rural
settings and complete cultural
integration in urban settings

Restrictions on the marketability of
land rights i.e. broadening land
access or forestalling reductions
in access through restrictions of
purchase by foreigners, ceilings
on land ownership, preferential
lease/buy rights etc






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Tax regimes that ensure betterment for communal biased land holding and worsenment for individual biased land holding, i.e. Taxation regimes that impose a wider array of cost and benefits upon society at large than those borne by the individual land owners.





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This was never the case in Kenya. Instead;
Systematic discrediting of customary laws and judicial
enactment of statutory laws
Haphazard legislation and institutionalisation of multiple and
conflicting land statutes
Acquisition, ownership and administration of land and
implementation of legal systems in sections of the country
by coercion and not through democratic fixes or mutual
agreements
Massive population displacement.
Forced settlements in non ancestral lands and thus
Politicisation, regionalisation and ethnicization of land
ownership
Institutionalisation of disparities and class wars in land
ownership
Procedural and substantive abuse of existing land laws/legal
systems, registration, transfer and conveyance
procedures.
Corruption in administration and management of land and land
issues



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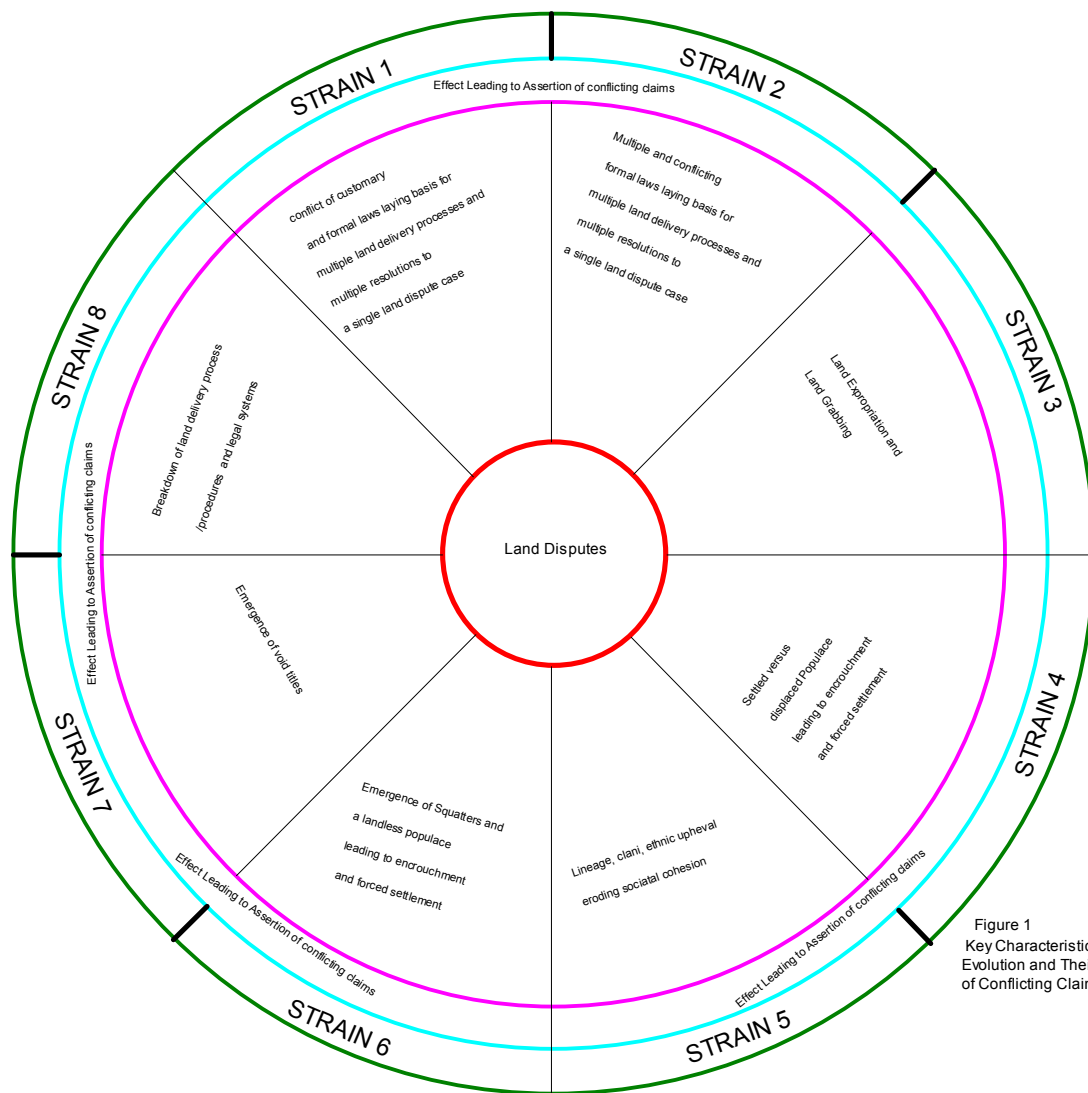



Figure 1
Key Characteristics of Kenyan Land Ten Evolution and Their Contribution to Assertion of Conflicting Claims on Land Ownership



Conclusion

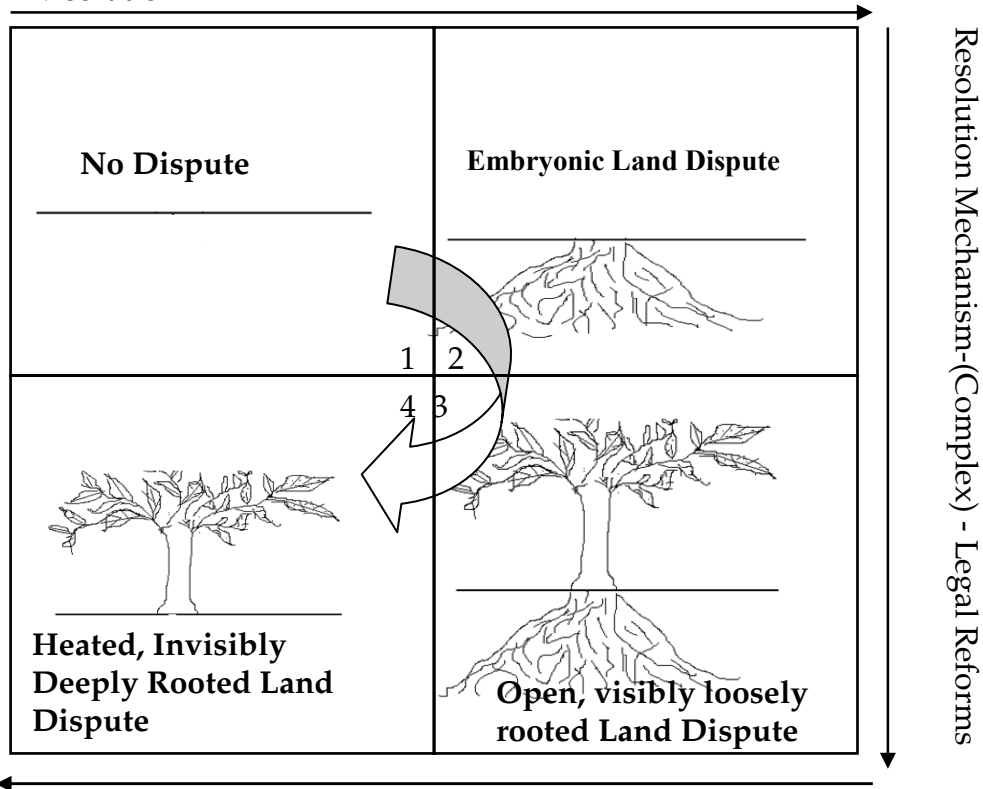
The origin of Kenyan land disputes is historically traceable

Kenyan land disputes are numerous and scattered within the conflict cycle. Potential resolution mechanisms' complexities vary with the stage of the dispute cycle (figure1).



Conclusion

Resolution Mechanism (Simple) - Negotiation and Mediation



Resolution Mechanism-(Very complex) - nullification of titles, resettlement of communities and Land redistribution