

The Changing Nature of Land Conflict in Laikipia County, Kenya (2003-2021)

James G. Karanja^{1*}, Edwin Gimode² & Francis Mulu³

^{1,2,3}Department of History, Archaeology, and Political Studies, Kenyatta University, Kenya

*Corresponding author: gacharajames9@gmail.com

<https://doi.org/10.62049/jkncu.v6i2.581>

Abstract

Land conflicts in Laikipia County, Kenya, were for a long time attributed to competition over grazing fields and restocking of animals after a drought period. However, the changing dynamics of land conflict have taken a new dimension, spreading into non-traditional conflict areas. The objective of the paper was to analyse the causes of the changing nature of land conflict in Laikipia County. Primary data was collected using Key informant interviews and focus group discussions, while secondary data was collected using documentary analysis. The Key informants and participants of the focus group discussions were selected from both Segera and Ilopoliei Locations. Sand harvesting within group ranches, pastoralist beliefs regarding livestock, environmental extremes, and the emergence of pastoral entrepreneurs, commercial cattle rustling, absentee landlords, and commercial land-buying companies have been blamed for the rising cases of conflicts after the promulgation of the 2021 constitution. Land conflicts during this period led to socio-economic consequences such as loss of life and destruction of properties. The study recommends an integrated approach to land conflict, incorporating elder-driven mechanisms and independent institutions such as the National Cohesion and Integration Commission, and judicial litigations and mediations.

Keywords: Land Conflicts, Non-Traditional Conflict Areas, Environmental Extremes, and Pastoral Entrepreneurs

Introduction

Conflicts in Laikipia North Sub-County have been in the public limelight and have continued to recur throughout the 20th century. The dynamic character of land conflict in Laikipia necessitates an evaluation of the role played by European settlers in the recurrence of conflicts in Laikipia North (Njoroge, 2011). Laikipia has experienced land conflicts as well as ethnic-related conflicts, as witnessed in 1992, 1997, and 2007 before and after the general elections. Ethnic-related conflicts before and after general elections result from the engagement of leaders who knowingly disseminate false or inaccurate information on resource availability and allocation within their communities in order to foster regional conflict and further their own objectives (Bond, 2014).

Laikipia has experienced changing dynamics of land conflict with the transition of governments in Kenya. According to Njoroge (2011), resources are the primary drivers of land conflicts in Laikipia County. Due to its location on the leeward side of Mount Kenya, Laikipia County is mostly arid and semi-arid, which has made the situation worse. These conflicts have been exacerbated by extreme weather; the main climatic factor that has frequently led to loss of livelihood is drought. Due to the loss of animals caused by droughts, attacks and counter-raids have increased due to efforts to replenish the lost livestock (Schilling *et al.*, 2012).

The competition over land has caused tension between the various communities in the region, pitting farmers against pastoral communities' private ranch owners (Njoroge, 2011). These raids further escalate acrimony among communities living in Laikipia County. According to Schilling *et al.* (2012), animal raids are not unique to Laikipia County but have been witnessed in other pastoralist-dominated Counties. In this respect, the Turkana community and their neighbours carry out raids because of hunger and drought; they also raid animals because it's their way of life (economic activity). The Pokot communities carry out raids on their neighbours to pay dowry and accumulate wealth; they also raid because it's their way of life (an economic activity). Eaton (2008) claims that as a result of cattle raids, peace meetings have practically become a part of life for residents in the North Rift in finding a lasting solution. Despite the traditional known causes of conflicts in pastoral regions in Kenya and beyond, the period 2003 to 2021 has witnessed changing dynamics of conflicts. The conflicts have taken a new dimension, from the traditional pasture scarcity to commercial and political interests. The objective of the paper was to assess the changing nature of land conflict in Laikipia between 2003 and 2021.

Materials and Methods

Study Area

Laikipia County borders the counties of Baringo, Samburu, Isiolo, Meru, Nyeri, Nakuru, and Nyandarua. It is located across the equator between latitudes 0°17'S and 0°45'N and 36°15'E and 37°20'E (Figure 1). The Maasai community predominated in Laikipia County during the pre-colonial era (Wiesmann *et al.*, 2000). Other communities found in Laikipia North include Kikuyu, Kalenjin, Kisii, Luhya, Somali, and Ameru. The region was part of the "White Highlands" during the colonial era, where only European settlers engaged in substantial pastoralism and later agricultural production in the wetter sections. The study was carried out in Laikipia North Sub-County in Laikipia County. Laikipia North Sub-County comprises Mukogodo and Il Ngwesi Wards and Ewaso, Naibor, Segers, and Ol Moran Wards.

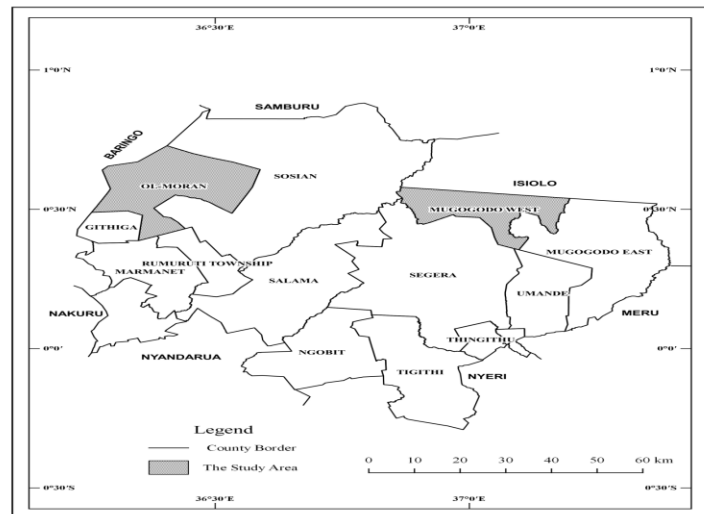


Figure 1: Map of Laikipia County Showing the Location of the Study Area

Source: Laikipia County Government (2010)

Research Design

The research was guided by a descriptive research design. The design comprises descriptions and narration of facts and characteristics of a given situation. To understand the motivations behind people's behaviour, direct engagement with the parties involved was necessary (Schwandt, 2000). Several qualitative approaches were used to achieve the study objectives. They include focus groups and Key informant interviews.

Data Collection

Primary data was collected using Key informant interviews and focus group discussions, while secondary data was collected using documentary analysis. The Key informants and participants of the focus group discussions were selected from both Segera and Ilopoliei Locations. Segera Ward was purposefully selected as the study site due to the presence of the highest number of ranches in the Laikipia North Sub-County. In Segera Ward, two study locations, Segera and Ilopoliei, were selected. The respondents' responses were recorded during the data collection exercise, and their narrations were captured in the field notebook. Secondary data was obtained through documentary analysis to supplement the primary data. Three focus group discussions were organized during the data collection exercise. The sample size for FGD was 7 to 8 members per group session, including chiefs, elders, religious leaders, county government employees, and security agencies. Three group sessions of 45 minutes each were conducted during the study period in the selected location, which translated to approximately 23 members.

Data Analysis

Both descriptive statistics and documentary analysis techniques were used during data analysis. Descriptive statistics were used to analyze the data collected, and verbatim was used to present responses from FDGs and KIIs.

Results and Discussions

Several measures were put in place to address past land injustices in Kenya during the reign of President Kibaki (2003-2013), which culminated in the promulgation of the new constitution towards the end of the regime in 2012. Mwai Kibaki was the third President of the Republic of Kenya between 2003 and 2013. In June 2003, President Mwai Kibaki created a commission with 20 members called the "Commission of Inquiry into the Illegal and Irregular Distribution of Public Land," which was led by Paul Ndungu. The 1980s and 1990s were a primary focus of the Ndungu Commission's findings, which were released in December 2004 (Southall, 2005). At this period, Southall prophesied, "property was no longer awarded for development goals but as a political reward and for speculative purposes." The report gave voice to what the majority of Kenyans had long accepted as a fact that existed before the Moi regime, and it brought Kenya's land politics to the attention of outside donors, such as the British Department for International Development, putting the very survival of the state and society in danger. The Ndungu Commission focused the majority of its criticism of the status quo on the extreme centralization of the president's land allocation powers and on the arbitrary use of these powers in the former White Highlands, where the government owned or controlled so much property (Boone, 2012).

Promulgation of the 2010 Constitution

The land question in Laikipia was complicated by the promulgation of the 2010 Constitution in Kenya. County Governments and Independent Constitution Commissions like the National Land Commission were established. The Land Act, 2012 (LA), the Land Registration Act, 2012, the National Land Commission Act, 2012, and the Community Land Act, 2016, were all passed by Parliament in response to the CON's 2010 orders (CLA). The constitution changed the length of the land lease from 999 to 99 years. The tensions between the pastoral groups have been made worse by the expiry of 99 years Land leases owned by most British settlers in 2014. The situation has worsened due to political incitement. According to Chief Samuel Putonoi of Ipolei Location:

Politicians are agitating for the return of local land to the Maasai from ranchers. Politics of expiring of leases in 2014 in Laikipia North played a role in triggering conflicts further. Politicians incite the pastoralist that the land belonged to them and they were to take it after the expiry of the 99 years lease (Putonoi, 2019)

According to the former County Council chairman Samson Ole Montu, former Laikipia North Member of Parliament Mathew Lempurkel was working with legislators from Samburu County to incite herders to invade ranches (*Daily Nation*, 24 2017). According to Samuel Languipael:

Laikipia north witnessed a volatile environment from 2013 to 2017 due to political incitement by elected leaders. The Member of Parliament, Mathew Lempurkel during this period who was from the Samburu community really disturbed the Maasai (Languipael, 2019).

The emergence of wealthy politicians who are using members of their communities, especially the youth, to cause violence and grab privately owned land in Laikipia is the most dangerous trend taking root. According to George Natembeya (2021), some politicians were interested in the lands that were owned by the ranchers; therefore, they would sponsor armed youth to drive out the owners (*Star*, September 9th, 2021).

During their protests against the non-renewal of land leases that they felt had already expired in 2004, pastoralists once more occupied commercial ranches. This time, the Kibaki administration moved to remove

them with violence. Unfortunately, the issue of land leasing has yet to be settled. Several variables, such as the effects of climate change and more regular droughts that drive pastoralists from the nearby Baringo, Isiolo, and Samburu into Laikipia in search of water and pasture, have contributed to the increase in the frequency of violent outbursts since 2009. Conflicts with ranchers whose land they drive their animals onto result from this eventually (Letai, 2021).

The Dynamics of Land Conflicts

Laikipia County frequently saw land disputes between pastoralists, farmers, and ranchers, which resulted in the deaths of people and animals and spread fear and uncertainty throughout the area. The causes of land conflicts in Laikipia have been changing with time, making it difficult to address them. Land conflict trends since the colonial era have not followed a linear pattern but a complex web in tandem with the modern world's dynamic socioeconomic, technological, and political realities. With these early patterns either changing hands or altering their initial investment objectives, a new pattern of land ownership and usage has emerged (Letai, 2011).

The three FGDs held were in agreement that the settlement of the British ranchers who own large parcels of land, frequent droughts, pastoralists who migrate from the neighbouring counties of Isiolo, Samburu, and Baringo to Laikipia, and the lack of well-defined beacons are major sources of conflicts in Laikipia North Sub-County. However, other causes came from individual groups that are presented. According to FGD I, cattle rustling and common water sources during drought and famine lead to conflicts, especially when individual herders insist that their animals will take the water first and are not ready to follow the queue. According to FGD II: lack of title deeds, land inheritance, and cattle raiding have been the leading causes of land conflicts, while FGD III found land buying companies, political incitements, especially during political campaigns, and insufficient pasture, especially during the dry season as a major cause of conflict due to competition for the scarce grazing field that makes the pastoralist to drive their animals into people's farms.

Pastoralist Beliefs Regarding Livestock

The beliefs and customs among the Maasai are to blame for the regular incidents of cattle rustling witnessed in the area. The Maasai have a cultural and sentimental relationship to their livestock, and because of this, any interference with it causes them to become upset and angry (Akiwumi, 1999).

According to Chief Samuel Putonoi of Ilpolei Location:

The Maasai community believes that they came from heaven with their animals and could not allow other communities to keep them leading to increased cattle rustling when they raid animals from other communities who keep them. This leads to counter raids of livestock which increases after incidences of drought and famine in their attempts to restock (Putonoi, 2019).

According to a Key Informant:

If you want peace with the herders avoid keeping animals, they will come for them. One can sleep peacefully in this area with 70,000 Kenya shilling after selling their onions while a neighbor is terrorized by raiders because of a goat. The Maasai also argue that crops planted by farmers are just grass and the earth belongs to God making them destroy the farmers' fences to let in their animals such as camels, sheep and cattle's into the farms especially during drought seasons (Muthoni, 2019).

Sand Harvesting within the Group Ranches

Sand harvesting is also an emerging cause of frequent conflicts in Laikipia's North Sub-County between 2003 and 2010. Results obtained from Key Informant Interviews, sixty-three percent of the land in Laikipia North was on leasehold owned by ranchers, twenty-five percent of the land was communally owned, while twelve percent of the land was individually owned. The communally owned land is under the Maasai group ranches. Sand harvesting takes place in the group ranches. The proceeds of sand harvesting are only supposed to benefit original group ranch members through paying hospital bills and education for their children. The residents who are non-members of the group ranches are denied the proceeds of sand harvesting.

According to a Key Informant:

Majority of the communities in Laikipia feel that sand harvesting should be carried out by all and should not be reduced to 'members only club' rising tension in the area (Lelumani, 2019).

in the past when they only benefited group members, many other pastoral communities have migrated to Laikipia, and their animals also require the same services. The other major cause of conflict is the group ranches' boundary disputes. Most of the group ranches are not demarcated, and they have relied on historical landmarks, which are a source of conflicts, especially among the young generations.

Environmental Situation in Laikipia North Sub-County

Extreme weather events such as drought and famine trigger conflict in arid and semi-arid regions due to suspicion between the herders and the farmers. Fodder scarcity brought on by drought raises the possibility of confrontation between farmers and herders (World Bank 2013). There is always a blame game as the herders blame the farmers for using the water to irrigate their crops, while the herders drive their animals into farms.

During times of drought, pastoralists in Laikipia unlawfully drive their livestock into ranches owned by Europeans looking for grass and water. The pastoralists grazing their Livestock in Laikipia are not only the Maasai but also include the Samburu from Samburu County and the Pokots who come from as far as East Pokot and are mostly armed. Any efforts by security forces to drive the pastoralists out of the European-owned ranches result in bloody confrontations because they are also armed. On the farms of the agriculturists, the pastoralists also graze their livestock, occasionally even on the crops being grown there. Unlike the European ranches that are guarded by armed security personnel who confront the pastoralists, the farmers watch helplessly as their crops are destroyed, and any efforts to protect their crops expose them to the bullets of the herders. Land disputes between pastoralist communities and ranches in Laikipia and agriculturalist groups and villages have been brought about by allegedly illegal grazing throughout the years (RoK, 2002). Since 2009, politicians have also encouraged pastoralists from neighbouring counties to relocate to Laikipia by promising them safety in exchange for their support. Additionally, there are allegations that politicians have aided pastoralists in obtaining weapons and that prominent government officials and politicians own the majority of the animals being grazed on private ranches and farms, and they have urged the government to refrain from taking action against the pastoralists (Letai, 2021). Though drought is a natural phenomenon, and it's not fair to blame any human being for its presence, politicians exploit herders to invade and destroy ranches with the ultimate hope of occupying them for themselves. In the 2017 general election, which coincided with a drought episode, deadly confrontations were witnessed

between the agent's security and the herders who had been mobilized to drive their animals to privately owned ranches.

According to Graham (2018), Matthew Lempurkel made a number of attacks against white landowners in 2017 to increase his popularity among pastoralists as he ran for reelection to the House of Representatives. Lempurkel, an ethnic Samburu with extensive political connections in the area, offered land in exchange for the assistance of leaders from nearby counties in launching a bloody invasion of Laikipia that was intended to exacerbate tensions between landowners and pastoralists. In response to Lempurkel, livestock owners throughout the area started transporting enormous herds of cattle to Laikipia as their own animals struggled to survive in the midst of the drought.

The crisis created by Lempurkel at the time created an opportunity for Sarah Korere, a peace crusader who had spent much time championing peace in Laikipia North. According to the proverbial saying about the business of life, an optimist sees an opportunity in every disaster, whereas a pessimist sees a disaster in every chance. The crisis of the moment was an opportunity for Sarah Korere, the Jubilee candidate in the 2017 general election, contesting for the Laikipia North Member of Parliament position. Sarah managed to persuade the majority of ranch owners that she was their greatest chance for stability in the county by visiting vulnerable areas of Laikipia and speaking with ranchers who, in some cases, were boarded up in their homes. She disclosed that some white landowners had openly expressed their support for Lempurkel after winning the polls because they were worried about what would happen if he were to be re-elected. Some viewed the whites' efforts to placate Lempurkel as a betrayal. Given the fear she knew the ranchers had gone through, she stated she did not hold them responsible. During the election year, everyone was quite frightened, Sarah remarked. If Matthew had won re-election, "I truly don't know what many of us would be doing now" (Korere, 2018)

The Emergency of Pastoral Entrepreneurship

Traditionally, pastoralists kept a large herd for prestige and pride. The people who had a large number of livestock were likely to be appointed as the village elder or chief. However, the players in the pastoralism business have changed over time, and it may no longer be an example of a low technology system in arid and semi- arid land but a lucrative venture for the elites who hire young, uneducated, jobless youth and supply them with guns and food to enable them to look for their animals. George Natembeya (2021) asserted that the animals grazing on the conservancy's land and the surrounding ranches are not owned by the armed herders. It is owned by extremely wealthy individuals who provide them with an adequate amount of food, weapons, and ammunition. It's no longer easy to differentiate between a traditional Maasai herder and the paid Maasai men who are herding animals for the elites. Most of the elites involved in pastoralism are rich politicians who can circumvent the justice system and use their influence to occupy privately owned ranches illegally.

Commercial Cattle Rustling

Cattle raiding has a long history and was historically used to redistribute wealth among pastoral civilizations (Hendrickson et al., 1996). However, the study found that cattle raiding in Laikipia is no longer a cultural practice, but it is turning into a commercial venture. A new player has joined the raiding for commercial enterprises, where animals are stolen and transported to urban areas for sale. According to the Focus Group Discussion (FDG I)

Cattle rustling were believed to be a cultural practice in the past and blamed for the frequent conflicts in Laikipia is turning to be a commercial venture. Unlike in the past when animals were driven by rustlers by foot today the raided animals are loaded into Lorries perhaps an indication that they are transported by wealthy individuals who transport them over long distances. The change in raiding patterns is also raising a lot of questions. In the past raiding was more frequent after a drought episode or after circumcision ceremonies when Murans were expected to pay dowry. Nowadays raiding has become more frequent and unpredictable pointing to emergence of new players who are raiding animals for commercial purpose. The raided animals could be finding their way into the meat market in Kenya and beyond illegally

Absentee Landlords

The fact that absentee landlords leave their vacant property fallow for years in the Laikipia plains is another element that fuels conflict there. For pastoralists looking for open expanses, these tracts constitute a tempting temptation. As others take over the vacant land, absentee landlordism in Laikipia contributes to tension in the area. Less than 50 people control about 40% of the land in Laikipia, leaving the remaining 60% to the rest of the population (Letai, 2011). In the recent past, there has been a rush for land in the County, thus causing foreignization of the space (Zoomers, 2010).

Commercial Land-Buying Companies

Unlike the land, companies registered after independence in Kenya that aimed at settling people in Laikipia were owned by shareholders. There is an emerging trend of individually owned land-buying companies aimed at subdividing land into small plots of one-eighth of an acre to sell them for profit. They are commercialized, carry out mass media advertisements with exaggerated promises, and offer good payment terms for land buyers. This new trend in the land business has increased the demand for land, and due to the high profits realized, the value of land in Laikipia North has gone up. According to FGD III;

Commercialization of land through subdivision into plots and selling them for profit has increased the demand of land in Laikipia. The subdivision has led to conflicts among parents and their children over land. There are those children who are demanding for their portion of their inheritance with from their parents with a view of selling the land to get quick cash

Conclusions and Recommendations

Conclusions

The causes of Land conflicts in Laikipia have been changing over time. From 2003 to 2021, land conflicts have been on the rise, leading to the loss of life and the destruction of properties. Sand harvesting within group ranches, pastoralist beliefs regarding livestock, environmental extremes, and the emergence of pastoral entrepreneurs, commercial cattle rustling, absentee landlords, and commercial land-buying companies have been blamed for the rising cases of conflicts after the promulgation of the 2021 constitution. Land conflicts during this period have led to socio-economic consequences such as loss of life and destruction of properties that have recently hit national and international media houses.

Recommendations

The study recommends an integrated approach to land conflict, incorporating elder-driven mechanisms and independent institutions such as the National Cohesion and Integration Commission, and judicial litigations and mediations.

References

- Bond, J. (2014). Conflict and communication: The case of Laikipia County, Kenya. *Communication Landscapes to Bullying Battlegrounds*, 95–106.
- Boone, C. (2012). Land conflicts and distributive politics in Kenya. *African Studies Review*.
- Eaton, D. (2008). The rise of the traders: The commercialization of raiding in Karamoja. *Nomadic Peoples*, 14(2), 106–122.
- Fox, G. R. (2018). Maasai group ranches, minority landowners, and the political landscape of Laikipia County, Kenya. *Journal of Eastern African Studies*, 12(3), 473–493. <https://doi.org/10.1080/17531055.2018.1471289>
- Hendrickson, D., Mearns, R., & Armon, J. (1996). Livestock raiding among the pastoral Turkana of Kenya: Redistribution, predation and the links to famine. *IDS Bulletin*, 27, 17–30.
- Letai, J. (2011). *Land deals in Kenya: The genesis of land deals in Kenya and its implications on pastoral livelihoods: A case study of Laikipia District*. <http://landportal.info/>
- Letai, J. (2021). *Laikipia land crisis: A ticking time bomb*. *The Elephant*.
- Njoroge, E. M. (2011). *Church's approaches to peace building and reconciliation in ethnic conflict areas in Kenya: A case study of Laikipia West District* (Unpublished master's thesis). Kenyatta University.
- Republic of Kenya. (2002). *Akiwumi Report*. Government Printer.
- Schilling, J., Akuno, M., Scheffran, J., & Weinzier, L. (2012). On raids and relations: Climate change, pastoral conflict, and adaptation in Northwestern Kenya. In S. Bronkhorst & B. Bob (Eds.), *Climate change and conflict: Where to for conflict-sensitive climate adaptation in Africa*. Human Sciences Research Council.
- Schwandt, T. A. (2000). Three epistemological stances for qualitative inquiry: Interpretivism. In N. K. Denzin & Y. S. Lincoln (Eds.), *Handbook of qualitative research* (3rd ed.). Sage Publications.
- Southall, R. (2005). Ndungu Report summary. *Review of African Political Economy*, 103(3), 142–151.
- Wiesmann, U., Gichuki, F., Kiteme, B., & Liniger, H. (2000). Mitigating conflicts over scarce water resources in the highland-lowland system of Mount Kenya. *Mountain Research and Development*, 20, 10–15.
- Zoomers, A. (2010). Globalisation and the foreignisation of space: Seven processes driving the global land grabbing. *Journal of Peasant Studies*, 37, 429–447.
- Natembeya, G. (2021, September 9). Personal communication.

Korere, S. (2018, February 26). Personal communication.