Urban Land Conflict Affecting Talai Squatter Settlement in Kericho County, Kenya

Kathryn Chepkemoi Langat (Ph.D Student)
Email: kathylangat@gmail.com
Masinde Muliro University of Science and Technology, Kakamega, Kenya
Prof. Pontian Godfrey Okoth (Ph.D)
Department of Peace and Conflict Studies
Masinde Muliro University of Science and Technology, Kakamega, Kenya

Prof. Crispinuos Iteyo (Ph.D)
Department of Peace and Conflict Studies
Masinde Muliro University of Science and Technology, Kakamega, Kenya

ABSTRACT

Land is a pressing concern globally; neither states nor markets provide suitable land for all users. In the context of urban growth and inequality, acute competition for land and the regulatory failures of states often result in conflict, which is sometimes violent, affecting urban authorities and residents. Conflicts are often mentioned in analyses of urban land, but rarely examined in depth. In order to explore the drivers, dynamics and outcomes of urban land conflicts, diverse disciplinary perspectives are discussed, including environmental security, political ecology, legal anthropology, land governance, conflict analysis and management, and urban conflict and violence. This paper focused on urban land conflicts affecting Talai squatter settlement in township location in Kericho County. The study adopted a conceptual framework guided by two theories: human needs theory, and Marxist theory. Literature was reviewed using primary and secondary data from global, regional, and Kenya context. The study employed descriptive research design and historical research design. The target population was 5000 households living in Kericho township location. A total of 300 respondents were sampled out using 6% of the target population. Questionnaires were administered across 300 households using simple random sampling. The key informants which comprised of Ministry of Land officials, County Commissioner, Chief, assistant chief and village elders was selected purposively. Research tools were questionnaires, interview schedules, and Focus Group Discussions. Document analysis assisted in gathering secondary data. The study established that numerous urban land conflicts posed a challenge to Talai clan since there was no dispute solving structure. This study recommends that solving dispute mechanisms should be set up to address causes of land conflicts. The findings of this study are significant as they contribute to knowledge pertaining to resettlement of squatters in Kenya by widening the intellectual horizons by adding knowledge to the academia since this would be the first research to be carried out on Talai clan in Kericho County. Further findings would benefit policy makers, governments and all stakeholders in the area of land conflicts

Keywords: Conflict, urban land, land grabbing, land tenure, squatter, informal settlement

1.1 Background

Urban land conflicts are rampant globally. In Mongolia, the privatization of urban land resulted in quite a number of multiple allocations of land due to illegitimate claims and ineffective, inefficient land administration agencies whose staff was partly lacking capacity, partly open for inappropriate practices (Tyner, 2009). Resolution of these land conflicts lacked transparency. It favored the well-off applicants possessing informal connections to respective decision makers. An example was irregularity allocation of land located on the river bank near protected areas of Ulaanbaatar to the rich by corrupted high ranking public officials (Anderson, 2011). Different illicit practices in regard to auctions such as the manipulation of the system resulting in the exclusion of some groups, landless individuals led to a severe land conflict that is still simmering today in Mongolia (Tyner, 2009).

Squatter settlements in Turkey are referred to as Gecekondu which means "put up over night" and refers to the shacks, houses and in present days even apartment buildings that have been built "overnight" on public land in the peri-urban areas of Turkish cities (Li, 2009). They extend all around Istanbul and stretched over the hills around Ankara. Although the culture and practice of self-accommodation are based on customs from Ottoman times, the massive spread of gecekondus only began in the 1960s after industrialization and urbanization started to accelerate in the 1950s. When, in the 1980s, scattered informal buildings turned into major gecekondu districts, the Government began evicting many of them, while others were formalized (Levien, 2012). Even today, evictions occur and often end up in violent conflict between the police and the inhabitants (Oliver, 2009).

However, unprecedented urbanization and population increase in many African countries, including Kenya and particularly after independence, has overstretched the capacity of urban authorities rendering them incapable of providing adequate infrastructure for the increasing population, including housing, leading to enormous pressure on the existing infrastructure (Syagga, 2006). In addition to lack of infrastructure there are no adequate employment opportunities for the increasing urban population in most developing countries. The majority of the urban population in Africa's urban areas is unable to pay rent in decent areas. As such there is sustained proliferation of informal settlements to provide accommodation to the increasing population (World Bank, 2014). Further, review of the literature indicates that in some areas causes of land conflicts are similar in both urban and rural areas. This is particularly evident in the case of northern Ghana where Kasanga & Kwapong, (2009) found out that commodification of land, coupled with increased population and the lack of clear boundaries, have all contributed to land conflicts. Consequently, the number of litigations and related problems has soared in these areas, thereby affecting household expenditure patterns. The case of Ghana clearly comes into focus, particularly the case in Northern Ghana where ethnic conflicts over land between the ethnic groups such as the Tendembas, Dagombas, Conjasand Kokombas have been recurring since the 1980's (Gillespie, 2013). Similarly, increases in land value lead to more conflict between landowners and squatters. The direct effect for squatters of this change is to invade more, and given higher asset values, landowners also will take more efforts to evict squatters.

In Kenya, upon independence, there were major movements to urban areas by a large proportion of the rural population hoping to find alternative accommodation and employment opportunities (Payne, 2004). However, Kenya's urban areas were not suited for the huge population increase and could neither provide employment opportunities nor accommodate the increasing population. This was because the urban areas were designed largely as export bases for the European farm produce. In addition, the growth of the urban areas had been controlled to restrict settlement by blacks in the areas (Obala, 2011). This was the beginning of the continuing land conflicts in Kenya's urban areas (Syagga *et al.*, 2000). The situation has persisted even after independence, creating the first headache for the independent government. The laws were mostly modeled from those of other countries by the

colonial government to smoothen the land acquisition processes. However, Resolution of the squatter land problem in Kenya remains a fundamental issue. Colonial practices and laws that formed the genesis of mass landlessness were perpetrated after independence (Njonjo, 1978). It is the argument sustained by this paper that the position is not different as far as the squatter land problem is concerned and as such it still persists after enactment of new land laws. The National Land Policy recognized that the successive governments after attainment of independence have not committed themselves to addressing the problem. Squatting has also been related to spontaneous settlement according to Syagga (2010) and that it has been used interchangeably to describe situations where inhabitants assert land rights or occupy land that is not registered in their names, land that belongs to the government or land that is legally owned by other people. They are found in both rural and urban settings. Squatters are found on all the categories of land. As such the absence of planning and security of tenure is the essence of squatter settlements. Development and planning are affected by the squatter land problem and informal settlements according to Okoth-Ogendo (1991). Conceptually defined, squatting and the squatter is issues embedded in dynamic and broad

Similarly, the growth of Kericho County headquarters as a result of devolved government functions has led to the expansion of Kericho town towards north, south and east.. The highway separates Kericho town and tea estates. That means, the town has been expanding towards the Talai squatter settlement next to former showground. With increased human population in the region and associated pressure on natural resources, political differences of leader's economic factors such as increased youth employment and soaring levels of poverty, the frequency of urban land conflicts in this region would remain more unpredictable with socio economic consequences. It was imperative for this study to endeavor by looking at urban land conflict experienced in Talai squatter settlement area as a result of urbanization

1.2 Statement of the Problem

Before the advent of colonialism, urban land conflicts were rare if they occurred they were resolved efficiently by elders or local leaders. There were no squatters or landless population. With the advent of colonization, the situation changed and it eventually created a class of landless and displaced people from their ancestral land. When the Kenya gained independence in 1963, there were hopes that those dispossessed would be resettled on their land or compensated with allocation of land elsewhere. However, the Talai clan which was displaced by the colonial government from their original homeland in Nandi County and resettled in Kericho town are still squatting in a government land in Kericho town caught up with challenges of urbanization. A report by the United Nations (2010) pointed out that Africa faces a daunting challenge in addressing urban land conflicts in an informal settlement caused by the social, economic, political, cultural and environmental implications as a result of rapid urbanization coupled up with squatter menace. In an effort to address the urban land conflicts, the Government through the Ministry of Housing initiated the process of developing the National Slum Upgrading and Prevention Policy of (2012). The aim of the policy is to transform slums and informal settlements into more livable environments in line with the fulfillment of the Sustainable Development Goals (SDG) No. 7 and Kenya Vision (2030) aspirations for a free nation and recognition of housing as a basic human right. According to the Constitution of Kenya (2010) section 60, land is categorized as public or private. The section also provides that all land belongs to the people of Kenya as a nation, as communities, and as individuals however, the classification of land seems to have left out squatters who live in those particular parcels of land. Despite several attempts by the government through development of land policy of 2009 and the formation of Kenya National Land Commission, the issue of settling the landless has not been sorted out permanently. the national government has made strides in settling the Waithiki squatters in Likoni-Mombasa however, the fate of Talai clan squatters is still hanging in limbo caught up with urban land conflicts facing their current resettlement area. It was in view of this, that this study sought to examine the urban land conflicts affecting Talai squatter resettlement area in Kericho County

1.3 Purpose of the study

The purpose of this paper was to examine causes of urban land conflict effecting Talai squatter settlement in Kericho County, Kenya

1.4 Justification of the Study

The study was envisaged to promote national cohesion and peaceful co-existence with other communities leaving in squatter settlement and the rest of Kenya because Kericho is a cosmopolitan town. Apart from contributing to existing knowledge on urban land conflict, this research was deemed to be significant in the formulation of government policies on how to address urban land conflicts in informal settlements through land conflict resolutions.

It is generally agreed that political patronage, ethnicity and corruption influence urban land ownership, and conflicts. However, very little is known about their relationships, dimensions and effects on development and poverty reduction. In cases where studies have been undertaken, they have been mainly focused on places where there have been civil wars (Deinninger, 2003). This has meant that there is very limited knowledge, if any, on the role of contributors to land conflicts: political patronage, ethnicity, and corruption

2.1 Literature review

Urban land conflict in Mexico, according to Appendini, (2001), uses an institutional approach to investigate conflict resolution mechanisms within the agrarian landholding system in Mexico, analyzing both the legal framework and formal and informal institutions. Debates have emerged around mismatches between the different norms and institutions governing land tenure in what Bruce (2011) calls 'normative dissonance' and their role in the land conflict. Land conflict in African cities, is marooned by evictions, demolitions, and state expropriation that generate disputes, thus the underlying issue of conflict between occupiers and government agencies over the recognition of rights (Syagga, 2006). This is linked to the disjuncture between different land regimes which may be formal or informal, statutory or customary and actors' understandings of the institutions governing them. Indeed, informal land delivery mechanisms may have greater social legitimacy than formal systems, leading to complex and contested relations between the two (Obala, 2011).

In Mongolia, the privatization of urban land resulted in quite a number of multiple allocations of land due to illegitimate claims and ineffective, inefficient land administration agencies whose staff was partly lacking capacity, partly open for inappropriate practices (Tyner, 2009). Resolution of these land conflicts lacked transparency. It favored the well-off applicants possessing informal connections to respective decision makers. An example was irregularity allocation of land located on the river bank near protected areas of Ulaanbaatar to the rich by corrupted high ranking public officials (Baatar, 2007). Different illicit practices in regard to auctions such as the manipulation of the system resulting in the exclusion of some groups, landless individuals led to a severe land conflict that is still simmering today in Mongolia (Tyner, 2009).

Similarly, Kosovo crisis for instance, following Serb mal-mistreatment of the Albanians, the ethnic Albanians resorted to violence as a way of expressing their anger towards the mistreatment by Milosevic led Serb regime and being forced out of their land. This resulted in a bloody ethnic conflict marred by killings, rape and ethnic cleansing in the name of defending their land right (Kelm, 2009). Milosevic regime acted to exclude Albanians from land distribution, education, banned the official use of Albanian language, severely restricted the use Albanian symbols and attempted to redress the demographic imbalance between the Serbs and Albanians (Toal *et al*, 2011). These summarizes how urban land conflicts can lead to a rebellion from global perspective

2.2 Urban Land Conflicts in Africa

Increasingly, demand for the lands in the urban has shifted the assumption that the Land conflicts is no longer a rural matter, but rather an urban matter as well, which greatly affects urban development. If the key element of the land conflicts in Africa is about inequality and injustice, in the way land is distributed, accessed, owned and controlled, then the land conflicts cannot be restricted to the countryside only (Lombard, 2012). Similarly, increases in land value

lead to more conflict between landowners and squatters. The direct effect for squatters of this change is to invade more, and given higher asset values, landowners also will take more efforts to evict squatters. Once again the strategic effect of urban land conflicts is for squatters to resistless as a result of the perceived greater vigilance of landowners (Obala, 2011). With decreases in property rights security, it is expected that these effects will be relatively small, and therefore it should be observed that more conflict in regions where land values are greater yet, the land is occupied by squatters (Obala & Mattingly, 2014). Most urban squatting takes place on government-owned land, although private land is not safe. In many instances the numbers and the determination of squatters have been so great that private landowners have feared personal retaliation if they attempt to remove the squatters as observed by (Syagga, 2006).

Kenya Vision (2030) aims to provide the country's population with adequate and decent housing in a sustainable environment. Overcrowding, lack of adequate sanitation and pollution in urban slums pose serious health risks to residents. Unplanned informal settlements on the other hand, pose a serious challenge to the socio-economic development of the country. Kenya's urban areas have over the years suffered from poor planning, which has resulted in the proliferation of informal settlements with poor housing and little or no infrastructure services (Durand-Lasserve, 2011). One of the Vision (2030) flagship project amongst others that is the principal vehicle for achieving housing and urbanization is installing physical and social infrastructure in slums in 20 urban areas to formalize slums, permit construction of permanent houses and attract private investment. Devolving land management powers to the counties is likely to ensure efficiency in land management, promote land tenure security; therefore, fostering private development and investment especially in a housing (Kenya Constitution, 2010). In the context of urban growth and inequality, acute competition for land and the regulatory failures of states often result in conflict, which is sometimes violent, affecting urban authorities and residents (Obala, 2011). Conflicts are often mentioned in analyses of urban land, but rarely examined in depth.

2.3 Human Needs Theory and Marxists Theory

This study was guided human needs theory by John Burton. Burton has been applying this theory more actively to emerging political and social conflicts some related to land. In his work on proctrated, social conflicts, he looks at how universal human needs often are neglected, making groups resort to using violence to claim their rights and meet their needs. Human needs theory has been applied in area of conflict by Apiyo, (2013), Moyo (2014), however, this theory has been improved by Lederer & Galtung, (1980) after observing that authorities were failing to control ethnic conflicts caused by land within their boundaries, it became clear that conflicts such as land were not generated primarily or even at all by shortages of material goods, or even by claims to territory. This theory is relevant to this research study in the senses that, it explains the human needs which when they are not met it creates a conflict. The human needs can be overcome through mediation as suggested by (Okoth, 2000). If this theory is applied it can provide a permanent resettlement of the Talai clan.

The Marxist theory was used to supplement human needs theory; it puts emphasis on the distribution of resource and therefore, allows insight into the political arena. The origins of the concept are found in Weber (1978) theory of accumulation, orthodox interpretations of which see the separation of the peasantry from the land and their transformation into the industrial working class, as one manifestation of the historic transition from feudal to capitalist social relations (Levien, 2012). Marxist theory argues that the state serves the dominant classes in society. The state has also been assumed to be an executive committee of the bourgeoisie in capital society (Sauer, 2011). The state rules primarily in the interests of the capitalist class it takes as its top priority increasing economic activity, when it is clear that this is accompanied by exclusions of the common man (Anderson, 2011). The Marxist theory looks at how the political and the ruling class allocated land to its self and cronies in an attempt to amass power without regard to justice and legal requirements.

Human needs theory stands the trap of stereotyping others, discriminating and creating classes of squatters and those who don't own any land. This theory is beneficial in assessing human needs like land which can create a

conflict while On the other hand, the Marxist theory is powerful in explaining the unfair distribution of land and other resources by the state. This means despite the will of the government to resettle the Talai, however, the land is taken away by the bourgeoisie and few are settled. Figure 2.1 is a conceptual framework of how variables derived from the title and objectives are interacting guided by the two theories.

Independent Variable   **Dependent Variables**
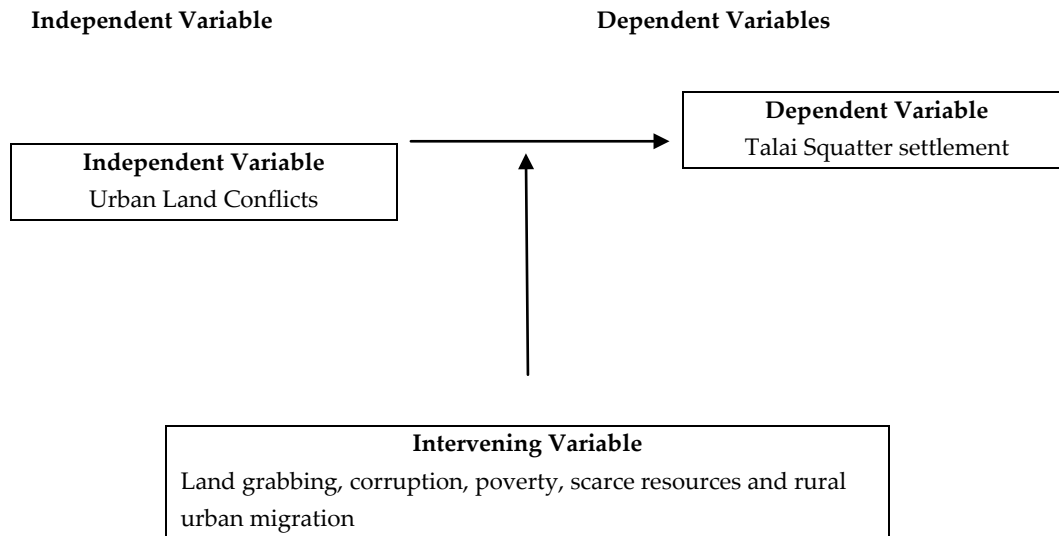
Figure 2:1 Conceptual Framework Showing Interaction of Variables
Source: Researcher, 2018

The independent variable is urban land conflicts while the dependent variable is Talai squatter settlement area. The intervening variables which accelerates urban conflicts in Talai squatter settlement include scarce resources, land grabbing, corruption, poor method of solving urban land conflicts and rural urban migration. The Marxists theory applies to this study because the rich are grabbing land from the Talai clan members at the expense of their livelihood. According to Human needs theory, land is a basic commodity for human beings, and when this need is not met it leads to land conflicts. Both theories were relevant to this study and it guided the conceptional framework accordingly.

3.1 Research Methodology

The study adopted a descriptive survey research design. The descriptive research design is appropriate for it is fact finding. According to Rea & Parker (2012), descriptive research has the capacity to describe the present status of a phenomenon, determining the nature of prevailing circumstances, practices and institutions and seeking an accurate description of activities.

The descriptive research design helped the researcher to observe and describe the behavior of the respondents without influencing them in any way. Descriptive design provided answers to the questions of who, what, when where and how associated with a particular problem. This helped the researcher with information concerning the current status of affairs with respect to the variables or conditions of situations pertaining to the Talai.

3.2 Sampling Size and Procedures

Simple random sampling was ideal for this study because of the make-up of the homes and their assumed homogeneity. In order to take a random sample, a sample frame in the form of a list of all the households' heads in each of the village was drawn with the help of local village elders who acted as gatekeepers to this study. Names of

300 households' heads were written on pieces of papers whereupon the desired sample was selected by picking the required number of papers. This was done using lottery method whereby number names representing each element in the target population was placed in a container and thoroughly mixed

3.3 Data Collection Instruments

The researcher used both primary and secondary data. Different research instruments were used for the complementary purpose. This ensured a triangulation approach to data collection. Primary data were collected through the use of semi-structured, self-administered standard questionnaires which were used to elicit both qualitative and quantitative data. An interview guide was used during the unstructured in-depth interviews between the researcher and key informants.

3.4 Ethical Considerations

Creswel (2003), point out that the term "ethics" in research refers to questions of what is right and wrong in relation to conducting a particular study or carrying out certain procedures so that the researcher is clear on whether there is some kind of studies that should not be conducted. According to Leedy & Ormrod (2005), most ethical issues in research fall into one of four categories: protection from harm, informed consent, right to privacy and honesty with professional colleagues. The researcher safeguarded against these ethical issues by putting a number of relevant measures in place.

The researcher obtained a research approval letter from the School of Graduate Studies at Masinde Muliro University of Science and Technology to process research permit which was obtained from the National Commission for Science, Technology, and Innovation (NACOSTI).

4.1 Findings

The study endeavored to understand how the expansion of Kericho county headquarters has affected Talai resettlement area. Continued population growth in urban areas and the sprawl of Kericho town into rural areas where customary tenure systems of Talai clan settlement area have often created land conflicts because these two different tenure systems are not really compatible

The Talai household respondents were asked to confirm whether there were urban land conflicts that the community was facing in their resettlement area. This question was deemed to be important because the current Talai settlement area is within Kericho Town which is expanding at a faster rate towards Talai settlement. The results are recorded in Figure 4.1
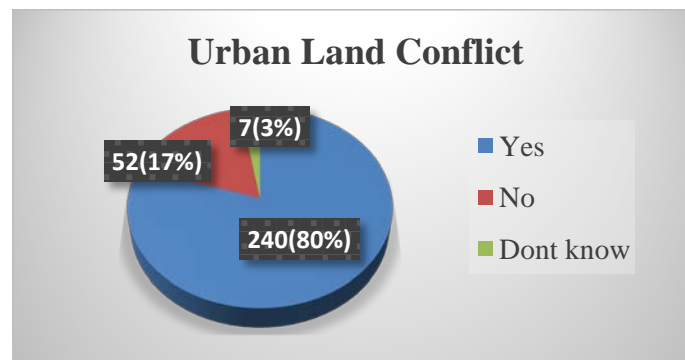

Figure 4.1 Existence of the Urban Land Conflict
Source: Researcher, 2018

According to Figure 4.1, 240(80%) of the respondents said there was urban land conflict in Talai settlement area while 52(17%) indicated there was none. Another 7(3%) said they did not know if there was a conflict. Indeed the study results confirmed that incidences of urban land conflicts existed. This study established that the land conflicts resulted from diverse issues from political, economic and social. Suffice to add, however, that at the time of the interviews, there were serious urban land conflicts within the settlement due to a prolonged period of general elections of 2017. More importantly, results revealed that most land conflicts were linked to land grabbing and subsequent evictions of Talai members by NEMA who was living along the riparian area near the river. According to Duran-Lasserve (2012), land conflicts were more pronounced in informal settlement. It can be concluded that urban land conflicts existed in Talai informal settlement. According to Moyo, (2004), Obala & Mattingly, (2014), the argued that in Africa land access and ownership is much is skewed and unequal in most urban areas and its urban land conflicts are silent and largely not spoken about. Mafeje, (2003), is in agreement with Obala & Mattingly (2014) laying an emphasis that there are specific countries where rural areas are being affected by urban land conflicts, citing countries such as Kenya, Algeria, Zimbabwe, Namibia and South Africa. In these countries, the squatter problem is not an only rural-based issue but, by extension they have become urban squatters (Mafeje, 2003). This concurs with the findings of this study that urban land conflict existed in Talai settlement area brought about by rural urban migration.

4.2 Land grabbing

Land grabbing in Kenya especially on government land has been rampant with the past regimes, in order to establish if the community has faced a challenge of strange people wanting to grab their land, the Talai households were asked to indicate if they were aware of any intruder in their current settlement area the response is recorded in Figure 4.2
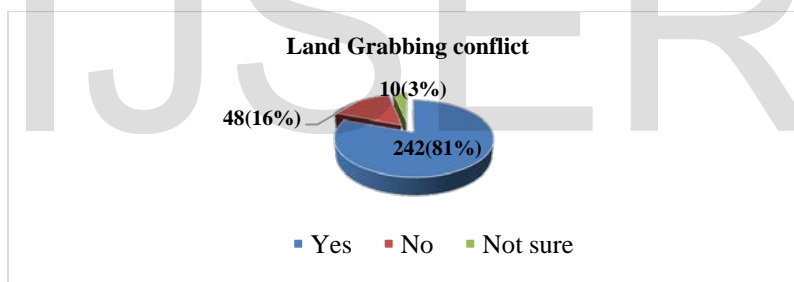
Figure 4.2: Land Grabbing
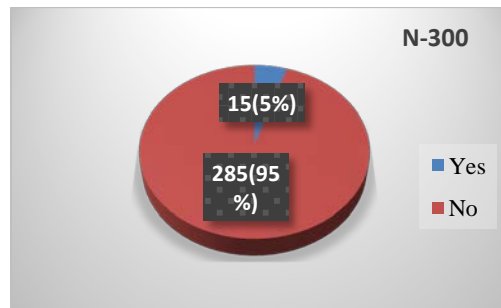**Source: Researcher, 2018**

Figure 4.2 indicates that the Talai households overwhelming were aware that there was land grabbing in their current settlement area which was causing a conflict. Out of 300 respondents, 242(81%) said yes there were strangers, masquerading as land officials, county government officials wanting to grab their land. Another 48(16%) said they were not aware of such while 10(3%) said they were not sure. Whether findings of this study are similar to that of Chitonge & Mfune, (2015) in a research he carried out in Lusaka, Zambia. Similarly Obala, (2011) and Syagga (2010) are in agreement that land grabbing is a cause of urban land conflicts in Kenya. It can be conclude that land grabbing is a major problem in the informal settlement.

4.3 Land Tenure

Lack of land titles has been known to be a major cause of urban land conflict according to (Deinninger & Castagnini's, 2014). Land tenure in Talai settlement area was key to this research study. The land in question has not been addressed by land tenure, although it is the main cause of urban conflict because they Talai do not have land

tenure security. The respondents were asked to indicate if they had land titles to their current settlement area. The results are recorded in Figure: 4.3


Figure 4.3 Land Title
Source: Researcher, 2018

According to Figure 4.3, 285(95%) of the respondents indicated they did not have titles to their current settlement area while 15(5%) indicated they owned a title. Despite some evidence of shifts towards flexible tenure arrangements, this study found out that, there is increasing evidence that titling is both difficult to implement in many urban situations and does not deliver all the benefits claimed for it (Payne *et al*, 2009). This consideration underlines a challenge relating to the potential for tenure formalization or legalization to create a land conflict, according to (Lombard, 2016). Lack of tenure land security, has created more urban land conflicts whereby Individuals are cheated to buy plots with fake numbers, only to discover that they had been cheated after another person with the correct papers has emerged, claiming ownership of the same parcel of land.

It is evident from the study results that inappropriate land tenure is susceptible to manipulation, particularly during land allocation processes. This would facilitate inequitable land allocation processes. The allocation processes thus favor the well connected and rich individuals at the expense of the needy who happen to be the majority (Payne *et al*, 2009). This confirms Deinninger & Castagnini's (2014) assertion that many land conflicts result from the failure of the prevailing land tenure systems to respond to changes in demand and traditions of the various communities. This further corroborates assertions by Yahya (2002) and Obala & Njambih (2003) that there is a need for the land tenure to evolve into a system capable of resolving evolving land conflicts.

4.4 Garbage Disposal

The living conditions are usually crowded and unsanitary; little or no attention is paid to whatever building, health, and safety regulations may exist. The respondents were asked how they disposed waste from their houses. This question was aimed at finding out, if the garbage collection was posing health related conflict in the squatter settlement. Poor collection of garbage attracts animals, flies, which can further lead to the polluted environment and may cause a disease outbreak in the settlement area causing environmental conflict. The results are recorded in Figure 4.4
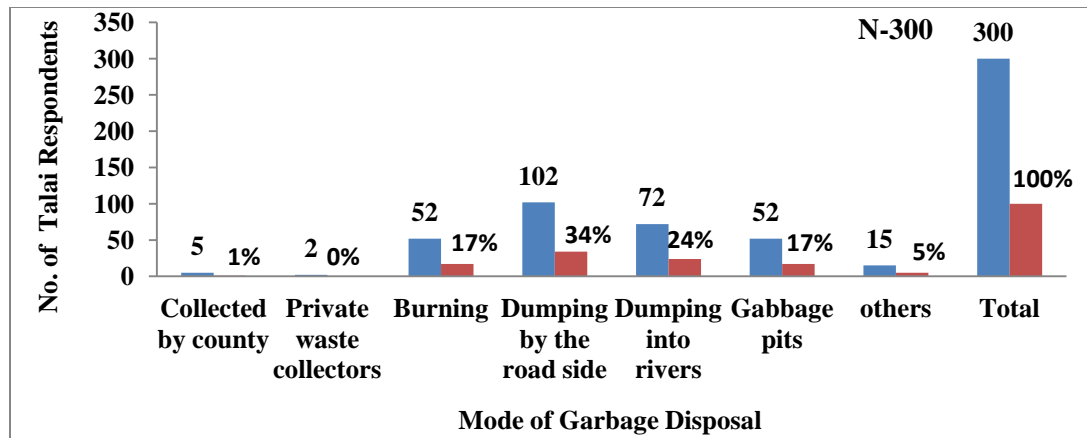
Figure 4.4 Garbage Disposal
Source: Researcher, 2018

The findings indicate that 5(1%) garbage disposal was collected by the county while 2(0%) is collected by private waste collectors. 52(17%) said they burnedtheir waste while 102(34%) said they dumped their garbage side on the road. Another 72(24%) dump in their garbage pits in the river while 52(17%) dumps in their Garbage pits. 15(5%) talked of other methods. This study found out that the 5(1%) who had their garbage collected by county government resided in block A near Tea hotel which was considered as high-class area mostly grabbed by senior people with few Talai's living there. This study found out that, the respondents found *"Kibelmonget River"* which cuts across Talai settlement area there was heaped with a lot of disposal waste from the settlement. There was a tie between those who burned and those who used garbage pits of 17% which means the burning takes place inside the garbage pits. Similar, findings of this study are in agreement with that of Durand-Lasserve, (2012) who eluded that squatter settlement in urban areas have a challenge of waste disposal.

The findings of this study are in agreement with that of Baartar, (2007) who found that garbage disposal in the informal sector in Mongolia was a major cause of urban land conflict and that the community never regarded waste disposal as a priority. Similarly, Chitonge & Mfune, (2015) found out that urban land conflict in informal settlement related to cabbage disposal posed a challenge when some of the squatters are to be shifted elsewhere to create community dumping site, in a study he carried out in Lusaka. This study established that urban land conflicts are associated with waste disposal, poor sanitation and health standards within the residential. Poor sanitation are largely related to inadequate water supply and poor drainage while, poor waste management of both solid and liquid waste is a major challenge to the state of health leading to airbone diseases.

4.5 Rural-Urban Migration Influence on Social Amenities

Land conflicts emerge from interrelated causes including increasing population in informal settlement caused by rural-urban migration McMichael, (2016). The respondents were asked to rate whether they were satisfied with services delivery provided to them by the county government such as land security, health facilities, schools, roads, waste disposal, and clean water among others. The respondents were asked to tick in the questionnaire very satisfied, satisfied, not satisfied or poorly satisfied. The results are recorded in Figure 4.5
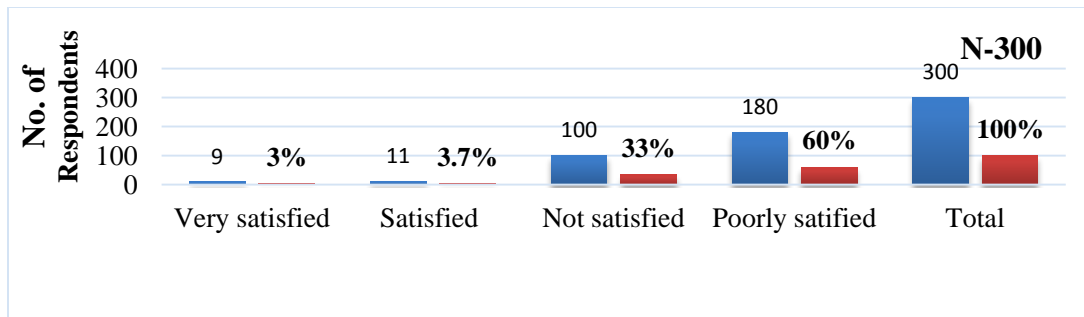
Figure 4.5 Ratings of County Government in Provision of Social Amenities
Source: Researcher, 2018

The results in Figure 4.5 indicate that 9(3%) were very satisfied with the services they receive from county government while 11(3.7%) said they were satisfied. Another 100(33%) said they were not satisfied at all while 180(60%) of the respondents stated that they were poorly satisfied with services given to them at the ministry of lands and county government. During focus group discussion, they were asked what they thought would bring about transparency and cost-effectiveness in land administration; they suggested a fast and just resolution mechanism. They also requested both national and county governments to be given the titles to their current land in form of tenure security. They complained that the land officials and other government officials collude to grab the allocated plots to the Talai. According to Oyo, (1995), the land question in Zimbabwe led to people expressing dissatisfaction by invading on White farms. Although, there is no invasion among the Talai, dissatisfaction on government commitment was rated poorly with 60% dissatisfaction. A similar study by Chitonge & Mfune (2015) concurs with the findings of this study that people in formal settlements are rarely given titles to their area of occupancy.

4.6 Rising Land Values

As the demand for land increases, so do land values. Talai households were asked to indicate the cost of their plots if they were to sell it to a ready buyer. The results are indicated in Figure 4.6
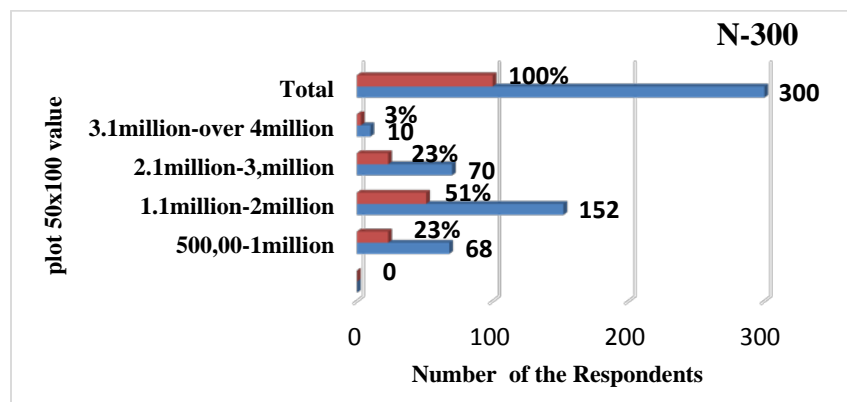
Figure 4.6: Plots Value in Talai Settlement Area
Source: Researcher, 2018

Figure 4.6 indicates that 68(23%) would sell their plots between five hundred thousand and 1million. Another 151(51%) indicated 1.1million-2million while 70(23%) indicated they would sell for 2.1-3million. 10(3%) said they would sell their plots between 3.1million and over 4million. The purpose was to find out the value cost of the plots

occupied by Talai clan according to the market rates. This study found out that urban land conflict on the value of plots has gone up as a result of the expansion of Kericho headquarters and need for land to expand the town. Evidence from the study indicates that prevailing land conflicts are closely linked to rising land values a finding alluded by Gillespie (2013). This study identified that escalation of land conflicts within the settlement is related to increases in land prices. It was argued that land conflicts result from increasing demand and multiple ownership claims.

4.5 Government Institutions Solving Land Conflicts

The rampant urban land conflicts in Talai settlement area was on the increase. The respondents were asked to state preferred available institutions to solve their urban land conflicts. The question was important so as to establish who solves the urban land conflicts in Talai settlement area and any that may have been generated by the County headquarters expansion. The results are recorded in Table: 4.1

Table 4.1 Preferred Institutions Solving land Conflicts

Instituitions role on urban land conflicts resolution	Frequency	Percentages
Provincial administration	135	45%
Ministry of lands	56	19%
Survey department	34	11%
County government	50	17%
NEMA	25	8%

Source: Researcher, 2018

According to the findings in Table 4.1, out of 300 households 135(45) preferred provincial administration to solve their urban land conflicts, while 56(19%) preferred the Ministry of Lands and Urban Settlement. Another 34(11%) preferred Survey Department under ministry of lands while 50(17%) preferred County Government. some 25(8%) preferred National Environmental Management Authority (NEMA) to solve urban land conflicts. This study found out that there are several institutions involved in land management and administration in Kericho County under the ministry of lands these included Ministry of Lands and Settlements, where a host of departments are housed including departments of Physical Planning, Lands and Surveys each with specific role to play in land administration and management. According to Apiyo, (2013), there are other units and departments of the government that have to be continuously consulted on technical issues such as Ministry of Environment.

It emerged from in-depth interviews with purposively sampled staff from Ministry of Lands and Settlements that most of these departments are involved in handling technical issues and hardly deal with issues on the ground directly. In case of any land conflict or dispute, they approach land matters through the Provincial Administration. Thus they are rarely aware of land conflicts on the ground unless informed by the Provincial Administration. When the purposive staff was asked why they do not want to be part of the solving urban land conflicts the officials from these departments indicated an unwillingness to become involved in land conflicts, more so when the said parcels of land are not even registered.

5.0 Summary

It was established that the causes of urban land conflict in Talai squatter settlement area comprised of land grabbing, disposal waste, poor mechanisms of handling land disputes, rise in land rates, rural urban migration which has been accelerated by devolution system of government. The expansion of Kericho town towards Talai settlement area have resulted in many more urban conflicts such has conflicts trying to open roads in the squatter settlement area. The community in the past as a result of urban growth have experienced 80% of land grabbing and encroachment on their current settlement area from non Talai members. The pressure from human rights in 2013 led to allocation of the plots to Talai clan members during the regime of Mwai Kibaki. However, 90% of the Talai households were in possession of allotment letters, while 75% had opted to move out due to urban conflicts caused by rural-urban migration, land grabbing and increased cost of living. As a result, this study established that 70% of the Talai clan have sold their plots and moved out as a result of social security pressure and privacy

5.1 Conclusion

Presence of urban land conflict has been escalated by devolution which has led to rural urban migration; expansion of Kericho headquarters and upgrading programmes has led to congestion of squatter settlement and infiltration of other cultures being introduced to the Talai clan. An urban land conflict, in the squatter settlement continues to be escalated by land grabbing rendering the genuine squatters landless in where the colonial government resettled them. Corruption leading to double allocation of plots allowed the corrupt political and economic elites within the independence government to acquire land that was meant for the landless. The result was that a large number of the genuinely landless Talai squatters lost out on the opportunity and remain locked in a cycle of poverty in Kericho Majengo without a structured office to present their land conflicts. The cultural practice such as initiation rites of passage, burial rites, which the community performed, had deteriorated due to invasion of non Talai members who have constructed mushrooming permanent buildings.

5.2 Recommendations

On the causes of urban land conflicts in Talai squatter settlement area, the study recommends that land conflict resolution guide be established. This study found out that there was no place to forward their land cases if one had a peculiar land conflict. The structure of reporting urban land conflicts is not in existence. As such there is need to establish one on the ground. The majority took their urban land conflicts to chiefs who cannot manage to arbitrate cases of land grabbing. This study also recommends that there is need to give titles to Talai clan members so that they can get access to loan from the banks. The County government should provide proper dumping sites of waste disposal to avoid outbreak of diseases in the area.

6.0 References

[1] Akiwumi Commission, (1999). Report of the Judicial Commission of Inquiry

[2] Appointed to Inquire into Tribal Clashes. Available online at www.scribd.com accessed on 15th March 2017

[3] Anderson, D.M. (2011). "Mau Mau in the High Court and the 'Lost' British
Empire Archives: Colonial Conspiracy or Bureaucratic Bungle?", The Journal of Imperial and Commonwealth History, 39:5, 699-716, DOI: 10.1080/03086534.2011.629082

[4] Appendini, K. (2001).Land Regularization and Conflict Resolution: The Case
of Mexico. Mexico City: FAO Rural Development Division. Google Scholar

[5] Apiyo, L.O. (2013). *Land Grabbing, and Evictions in Kenya*. Nairobi. Legal
Aid Centre

[6] Baatar, B. (2007). Land Conflicts related to Land Privatisation in Mongolia.
Case Study of Urban and Peri-urban areas. Unpublished Master's Thesis at the Centre of Land Management and Land Tenure, Technische Universität München

[7] Bruce J.W. Shem E. and Migot A. (2011) (eds.). *Searching for Land Tenure Security in Africa*. Iowa: Kendall/Hunt.

[8] Chitonge, H., & Mfune, O. (2015). *The urban land question in Africa*: The case of urban land conflicts in the City of Lusaka, 100 years after its founding. Habitat International, 48, 209–218.

[9] Creswell, J.W. (2003). Research Design: Qualitative, Quantitative and Mixed Methods 268 Approaches (2nd Edition), Thousand Oaks/Sage, California, USA

[10] Deininger, K. (2003). *Land Policies for Growth and Poverty Reduction*. A World Bank Policy Research Report. Washington.

[11] Deininger and Castagnini, (2006). *Effects of Land Acts on Land Conflict*. Uganda

[12] Durand-Lasserve, A. (2012). Land markets in urban and peri-urban areas in Sub-Saharan Africa'. Report prepared for the NRC, FAO, Rome, and August

[13] Gillespie, T.A. (2013). Accumulation by urban dispossession: struggles over urban space in Accra, Ghana. Ph.D. thesis, University of Leeds

[14] Kareithi, A. (2012). The Talai Question: Hounded by the British Community Still in Shackles. *The Standard Newspaper*, 4th June, 2012

[15] Kenya Constitution, (2010).   Government of Kenya. Government Press

[16] Kenya Vision (2030). Government of Kenya. Government Press

[17] Kelm, K. (2009). *Study on Security of Registered Titles in Albania'Land Administration and Management Project Component: A* Security of Tenure and Registration of Immovable Property Rights, December.

[18] Leedy, P. and Ormrod, J. (2005). *Practical Research: Planning Design* . 8thEdition. New Jersey: Merrill Prentice Hall

[19] Lederer, K., Galtung, J., and Antal, D. (1980). *Human Needs: A Contribution to the Current Debate*. Vol 12 of Publication of Science Center Berlin.Wissenschanftszentrum. Berlin

[20] Levien, M. (2012). The land question: special economic zones and the Political economy of dispossession in India. *Journal of Peasant Studies,Vol 39, 2012-Issue 3-4*

[21] Li, T. (2009). "To Make Live or Let Die? Rural Dispossession and the Protection of Surplus Populations". *Antipode*, 41, pp.66-93

[22] Lombard, M. (2012). *Land Tenure and Urban Conflict*: A Review of the Literature. GURC Working Paper No.8. Manchester: University of Manchester.

[23] Lombard, M. (2016). *Land conflict in peri-urban areas*: Exploring the effects of land reform on informal settlement in Mexico. Urban Studies 53(13)

[24] Mafeje, A. (2003). *The agrarian question, access to land, and peasant responses in Sub-Saharan Africa*. United Nations Research Institute for Social Development Geneva.

[25] McMichael, G. (2016). *Land conflict and informal settlements in Juba, South Sudan*. Urban Studies 53(13): 2721–2737

[26] Moyo, S. (2004). African Land Questions, the State and Agrarian Transition: Contradictions of Neoliberal Land Reforms, 154

[27] Negash, M.H, (2010). Ethnic identity and Conflict: Lesson from Kosovo Crisis. *European Scientific Journal. Vol. 11(8) ISSN:18577431*

[28] Njonjo, A. (1978). *The Africanization of the White Highlands. A study in Agrarian Class Strugglers in Kenya 1950-1974*. Ph.D Dissertation. Princeton University

[29] Obala, L.M. and Mattingly M., (2014). Ethnicity, corruption and violence in urban land Conflict in Kenya. *Urban Studies* 51(13) 2735–2751.Google ScholarAbstract

[30] Obala, L.M (2011). The Relationship between Urban Land Conflicts and

Inequality. The case of Nairobi. Ph.D Dissertation, University of Witwatersrand, Johannesburg, South Africa.

[31] Oliver S. (2009). ed." in A. Oliver- Smith(ed), *Development and Dispossession*: The Crisis of Forced Displacement and Resettlement,.pp.230-246.

[32] Okoth-Ogendo, H.W.O., (1991). *Tenants of the Crown: Evolution of Agrarian Law and Institutions in Kenya.* African Centre for Technology Studies. Nairobi: ACTS Press.

[33] Okoth, P.G., (2000). *Conflict in Contemporary Africa*. Nairobi. Jomo Kenyatta Foundation

[34] Oyo, M.S. (1995).*The Land Question in Zimbabwe*. Harare: SAPES Books

[35] Payne, G. (2001). Urban land tenure policy options: titles or rights? *Habitat International*, Volume 25, Issue 3, pages 415-429

[36] Rea, l.M and Parker, R.A (2012). *Designing and Conducting Survey Research. Comprehensive Guide*. New York: John Wiley & Sons

[37] Sauer, S. and Leite, S. P., (2011). *Agrarian structure, foreign land ownership, and land value in Brazil*. Paper presented at the International Conference on Global Land Grabbing, 6-8 April.

[38] Syagga, P. (2010). Public Land, Historical Land Injustices and the New Constitution; Constitutional Working Paper No 9 (Society for International Development, Nairobi 2010) <www.sidint.net> accessed on 19th October 2017.

[39] Syagga P.M. (2006). Land Ownership and Uses in Kenya: *Policy Prescriptions from an Inequality in Kenya: Sectoral Dynamics and Perspective*, Nairobi: Society for International Development

[40] Tyner, J. (2009). The Philippines: Mobilities, Identities, Globalization. New York: Routledge.

[41] Toal, G., Carl T. and Dahlman. (2011). *Bosnia Remade. Ethnic Cleansing and its Reversal*. Oxford University

[42] Weber, M. (1978). *"The Types of Legitimate Domination."* Pp. 212-301 in Economy and Society, edited by Guenther Roth and Claus Wittich. Berkeley: University of California Press.

[43] Yahya (2002).*Community Land Trusts and other land Tenure Innovation in Kenya*: in G. Payne (ed.) Land ,rights and Innovation: Improving tenure Security for the urban Poor. London. ITDG