

Dynamics of Devolution and the Land Question in Kenya: A Case Study of Laikipia County

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Abstract

This paper examined dynamics of devolution and land questions in Kenya through a case study of Laikipia County. Among the critical areas of Kenya's 2010 Constitution reforms was land governance. Devolved land governance has encountered challenges in implementation, revealing deep tensions between constitutional aspirations and political-economic realities. This study employed a qualitative case study approach. It drew on multiple data sources to triangulate findings and ensure comprehensive analysis. Primary sources included constitutional and legislative texts, and secondary sources encompassed academic literature on devolution, land governance, and conflicts in Kenya generally and Laikipia specifically. The data collection period spans from 2010, when the Constitution was promulgated, through 2024, covering the entire devolution era to date. The study employed three complementary analytical frameworks. The study found that devolution has been constrained by institutional fragmentation, elite capture at the county level, limited capacity, and the persistence of structural inequalities inherited from the colonial period. Structures have, in some instances, amplified conflicts by introducing new arenas for political contestation without providing adequate mechanisms for addressing root causes. Devolution alone cannot resolve deep-seated land inequalities, and effective land governance requires complementary reforms, including redistributive measures, strengthened inter-governmental coordination, and genuine engagement with historical injustices. The paper contributes to understanding the limitations of institutional fixes in contexts of profound inequality and offers policy recommendations for strengthening Kenya's devolution framework while addressing the structural dimensions of the land question.

Key terms: Devolution, decentralisation, historical land injustices, institutional fragmentation, land conflicts, land governance.

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1.0 INTRODUCTION

The Constitution of Kenya, 2010, created a decentralised system of government wherein two of the three arms of government, namely the Legislature and the Executive, are devolved to 47 political and administrative counties (Republic of Kenya, 2016). This constitutional transformation represented one of the most ambitious governance reforms in post-independence Africa, fundamentally restructuring the Kenyan state from a highly centralised system inherited from the colonial period to a two-tier devolved system. The general motivation behind reform was to enhance the political representation of ordinary citizens in general and that of marginalised ethno-regional groups in particular, and to devolve control over resources to the county level. The devolution framework promised to bring government closer to the people, promote equitable distribution of resources, and address the historical marginalisation of certain regions and communities (Berman et al., 2009). Among the most critical and contentious domains affected by devolution is land governance. Land in Kenya is not merely an economic resource but the foundation of political power, social identity, and livelihood security. From the violent dispossession of indigenous communities during colonial rule to the post-independence politics of patronage and elite accumulation, land has been central to Kenya's political economy.

The 2010 Constitution recognised this reality by introducing comprehensive land reforms alongside devolution, establishing new institutions such as the National Land Commission and mandating counties to take over key aspects of land administration, including oversight of public lands, construction of transparent land registries to combat land-grabbing and corruption, and management of community land (Elliott & Cheruiyot, 2018). However, the intersection of devolution and unresolved land questions has produced complex and often contradictory outcomes. While devolution created new institutional spaces for addressing historical grievances and improving land governance, it also introduced new arenas for political contestation, elite capture, and resource conflicts (Republic of Kenya, 2016). The promise of bringing land administration closer to the people has collided with the persistence of structural inequalities, weak institutional capacity, unclear divisions of responsibilities between national and county governments, and the mobilisation of historical grievances for contemporary political purposes.

More than a decade after the promulgation of the 2010 Constitution, Kenya's devolution experiment reveals significant tensions between constitutional aspirations and implementation realities, particularly in the land sector. These tensions manifest in several ways. First, there are persistent coordination challenges and jurisdictional ambiguities between national land policy frameworks and county-level implementation, creating confusion among stakeholders and opportunities for institutional competition rather than collaboration (Galaty, 2016). Second, historical land injustices rooted in colonial dispossession and post-independence elite capture remain largely unaddressed despite constitutional commitments to restorative justice. Third, competing land claims between different user groups, including large-scale landowners, pastoralist communities, smallholder farmers, and conservation interests, continue to generate conflicts that devolved governance structures have struggled to resolve effectively. These challenges are particularly acute in regions like Laikipia County, where extreme land inequality intersects with ecological pressures, diverse land use systems, and politically charged ethnic dynamics. Understanding how devolution shapes land governance in such contexts is crucial for assessing the broader success of Kenya's constitutional reforms and for informing policy interventions aimed at achieving the dual objectives of equitable land distribution and sustainable resource management (Goodfellow & Lindemann, 2013).

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This paper pursues four interrelated objectives. First, it examines how devolution has reshaped land governance dynamics in Kenya, focusing on institutional changes, shifts in power relations, and the creation of new decision-making spaces at the county level (Republic of Kenya, 2012). Second, it analyses the persistence of historical land grievances under devolved structures, exploring why constitutional reforms have failed to deliver transformative change in addressing colonial-era dispossession and post-independence inequalities. Third, it assesses the institutional challenges facing both national and county-level bodies in resolving land conflicts, including issues of capacity, coordination, political interference, and elite capture. Fourth, it draws policy lessons from the Laikipia case that can inform broader efforts to strengthen land governance under devolution in Kenya and offer insights for other African countries implementing decentralisation reforms. This study makes three significant contributions (Anderson & McKnight, 2015).

Academically, it contributes to the growing literature on devolution in Africa by providing empirical evidence on how decentralisation reforms interact with historically embedded inequalities and resource conflicts. Much of the devolution scholarship has focused on fiscal federalism, political representation, and service delivery, with relatively less attention to the complex politics of natural resource governance, particularly land. By examining the land question through the lens of devolution, this paper bridges institutional analysis with political economy perspectives on agrarian change and conflict. From a policy perspective, this research is directly relevant to ongoing debates about land reform in Kenya. It provides evidence-based insights into why institutional reforms alone have proven insufficient to address deep-seated land grievances and offers concrete recommendations for strengthening the legal, institutional, and political frameworks governing land at both national and county levels (Leff, 2009). Finally, this study offers comparative lessons for other African countries implementing or considering decentralisation reforms. Many African nations face similar challenges of unresolved historical land injustices, ethnic politics, and resource-based conflicts. Understanding Kenya's experience with devolving land governance can inform policy design and implementation strategies elsewhere on the continent, highlighting both the opportunities and pitfalls of decentralisation as a tool for addressing land questions (Laikipia County Government, 2016).

2.0 LITERATURE REVIEW

Understanding the dynamics of devolution and land governance requires clarity on key concepts and their theoretical underpinnings. Devolution refers to the statutory delegation of powers from the central government of a sovereign state to govern at a subnational level, such as regional or local governments. It represents a form of administrative decentralisation where devolved territories have the power to make legislation relevant to their areas. While often used interchangeably with decentralisation, devolution is distinct in that it involves more substantial transfers of authority, including legislative and fiscal powers, rather than merely administrative functions. Decentralization involves shifting certain decision-making or administrative powers from a central authority to local, regional, or lower-level entities. This transfer can be constitutional or legislative and may involve varying degrees of autonomy. Fiscal decentralisation, a subset of this broader concept, involves decentralising revenue raising and expenditure responsibilities to lower levels of government while maintaining financial accountability. This process, often analysed through the lens of fiscal federalism theory, examines which functions and instruments are best centralised and which are best placed at decentralised levels of government (Mkutu, 2008). Land governance encompasses the rules, processes, and structures through which decisions are made about access to land, land rights, land

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use, and land development. It involves the institutional arrangements, legal frameworks, and social processes that determine how land is managed, how conflicts are resolved, and how benefits from land are distributed. Effective land governance requires clear property rights, transparent administration, accessible dispute resolution mechanisms, and participatory decision-making processes.

Theoretical perspectives on devolution can be broadly categorised into fiscal federalism approaches and political economy perspectives. Fiscal federalism theory, rooted in public economics, argues that decentralisation can improve efficiency by allowing governments to tailor services to local preferences, enhance accountability by bringing government closer to citizens, and promote competition between jurisdictions (Laikipia County Government, 2018). However, critics point to risks including fiscal instability, capacity constraints at local levels, and potential for elite capture. Political economy approaches to devolution emphasise power relations, distributional conflicts, and the role of political institutions in shaping outcomes. These perspectives recognise that devolution is not merely a technical administrative reform but a political process that redistributes authority, resources, and opportunities for accumulation. From this view, the outcomes of devolution depend critically on pre-existing power structures, the nature of political competition, and the institutional design of devolved systems. Political economy analyses are particularly valuable for understanding how devolution intersects with resource governance, as control over valuable resources like land becomes a key site of contestation in devolved systems (Schilling et al., 2012).

The relationship between decentralisation and resource conflicts is complex and contested in the literature. Some scholars argue that decentralisation can mitigate conflicts by allowing for locally-tailored solutions, enhancing participation of affected communities, and providing institutional channels for addressing grievances. Others contend that decentralisation can exacerbate conflicts by creating new arenas for elite competition, enabling local majorities to marginalise minorities, and fragmenting authority in ways that make conflict resolution more difficult. The evidence suggests that outcomes depend on contextual factors, including the nature of the resource, the design of decentralised institutions, the capacity of local governments, and the broader political environment (Kenya Land Alliance, 2016).

Land occupies a unique position in African politics, economics, and society. It is simultaneously a factor of production, a store of wealth, a source of identity and belonging, and a foundation of political power. This multidimensional significance makes land governance inherently political and often contentious across the continent. Historical land dispossession represents a foundational grievance shaping contemporary land conflicts in Africa. Colonial administrations systematically alienated indigenous lands through various mechanisms, including outright expropriation, legal declarations of terra nullius treating occupied lands as vacant, forced relocations to reserves, and imposition of European property concepts over indigenous tenure systems (National Land Commission, 2017). These dispossessions were not merely economic transactions but violent processes that disrupted social structures, undermined traditional authorities, and created enduring inequalities. Colonial legacies in land tenure systems persist throughout Africa despite decades of independence. Most African countries inherited dual land tenure systems combining statutory law based on European models with customary law governing indigenous practices (Raleigh & Urdal, 2007). This legal pluralism creates ambiguities, enables forum shopping by powerful actors, and often disadvantages women and marginalised groups whose rights may be recognised under customary systems but not in statutory law, or vice versa.

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The formalisation of land rights, often promoted by international development institutions, can paradoxically lead to dispossession when customary users lack documentation or political voice to defend their claims. The politics of land reform in post-colonial African states has been characterised by unfulfilled promises, elite capture, and periodic violence. Many independence movements mobilised support through promises of land redistribution that were rarely fulfilled once leaders took power (Odote, 2013). Instead, post-colonial elites often maintained or even intensified inequalities through various mechanisms, including the acquisition of former colonial estates, the political allocation of state lands, the manipulation of land adjudication and titling processes, and the use of land as patronage to build political coalitions. Failed or incomplete land reforms have accumulated grievances that periodically explode into violence, often during electoral periods when land becomes a mobilising issue (Meier et al., 2025).

Several patterns emerge from comparative analysis of land politics across Africa. First, land conflicts are rarely purely local disputes but are typically embedded in broader political struggles over power, resources, and identity. Second, ethnic framing of land conflicts often obscures underlying economic and political dynamics, though ethnic identities may be mobilised by elites for strategic purposes (Ogolla & Mugabe, 1996). Third, state weakness or complicity enables land-related violence, whether through inability to enforce laws, corruption in land administration, or deliberate manipulation of conflicts for political gain. Fourth, international factors, including market pressures, development projects, and conservation initiatives, intersect with domestic politics to shape land conflicts.

Kenya exemplifies the centrality of land in African politics and the enduring consequences of colonial dispossession. The country's land question has deep historical roots that continue to shape contemporary conflicts and governance challenges. Colonial land alienation in Kenya was among the most extensive and systematic in Africa. Beginning with the 1902 Crown Lands Ordinance, which declared all "waste and unoccupied" land as property of the Crown, British colonial authorities systematically dispossessed indigenous communities of their most fertile lands (Deininger & Feder, 2009).

The creation of the "White Highlands" involved the reservation of approximately 20 per cent of Kenya's medium to high potential land, encompassing some 3 million hectares, exclusively for European settlement. This area was leased to European settlers and multinational corporations for 99 years, with indigenous communities evicted to create space for settler farms. The White Highlands became a powerful symbol of racial injustice and economic exploitation. An estimated 3,600 white settler families, constituting only one per cent of the population, controlled half of the colony's high-value agricultural land. Meanwhile, African communities were confined to Native Reserves, often on marginal lands inadequate to support their populations (Homer-Dixon, 1999). The colonial administration employed various mechanisms to ensure a steady supply of cheap African labour for settler farms, including taxation, forcing Africans into wage labour, restrictions on African cash crop production, and pass laws controlling African movement. The land alienation was accompanied by violent suppression of resistance, most notably during the Mau Mau uprising in the 1950s, when land grievances fueled armed rebellion against colonial rule (Lund, 2011).

Post-independence land politics in Kenya were characterised by continuity rather than transformation. The independence settlement negotiated with Britain protected settler property rights and required the new government to purchase land for redistribution rather than expropriate it. This "willing buyer, willing seller"

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approach severely limited the scope for redistributive land reform. While some land was transferred through settlement schemes, much of the former White Highlands was acquired by a new African elite connected to the Kenyatta regime. Land became a key instrument of political patronage and elite accumulation rather than a basis for addressing historical injustices or promoting equitable development (Klopp & Sang, 2011). Successive post-independence governments perpetuated and extended patterns of land grabbing and irregular allocation. State lands were routinely allocated to political allies, government officials, and members of ethnic communities favoured by ruling regimes (Smoke et al., 2006). Land adjudication and titling processes, ostensibly meant to clarify property rights and enhance tenure security, were manipulated by elites to formalise dubious claims and dispossess smallholders.

The lack of transparency in land administration, weak enforcement of laws, and corruption in land registries created a system characterised by insecurity, conflict, and inequality. The accumulation of land grievances periodically exploded into violence, most dramatically during the post-election crisis of 2007-2008, when disputes over land intersected with electoral politics and ethnic mobilisation to produce widespread violence (Holmqvist & Dershem, 2015). The crisis revealed how historical land injustices, political competition, and ethnic identities could combine explosively, particularly in former White Highland areas where patterns of settlement remained contested decades after independence (Eaton et al., 2011). The 2010 Constitution represented a renewed attempt to address Kenya's land question through comprehensive reform. Chapter Five of the Constitution significantly reformed land governance in Kenya by classifying land into public, community, and private categories, establishing the National Land Commission to independently manage public land and address historical injustices, recognizing community land rights with provisions for registration and protection, and devolving specific land management functions to county governments.

It also prohibited non-Kenyans from owning land except through leasehold and committed to resolving historical land injustices (Crook & Manor, 1998). These provisions reflected recognition that land reform was essential for political stability, economic development, and social justice (Fairhead et al., 2012).

The 2010 Constitution's provisions on land governance must be understood in the context of the broader devolution framework. Land governance under devolution involves complex interactions between national and county governments, specialised institutions like the National Land Commission, and various statutory bodies at different levels. Constitutional provisions on land management establish a multi-layered governance structure (Benjaminsen & Bryceson, 2012). Article 67 establishes the National Land Commission as an independent constitutional commission with broad mandates. Article 67(2) specifies the NLC's functions including managing public land on behalf of national and county governments, recommending national land policy, advising on comprehensive land registration programs, conducting research on land issues, initiating investigations into historical land injustices and recommending redress, monitoring and oversight of land use planning, and facilitating public participation in land governance (Alden, 2012). The Commission was operationalised through the National Land Commission Act of 2012, the Land Act of 2012, and the Land Registration Act of 2012. The division of responsibilities between national and county governments reflects tensions between the need for national coordination and the devolution principle of subsidiarity. The national government retains responsibility for overall land policy, regulation of land tenure systems, protection and conservation of the environment and natural resources, and legislation on key land matters (Mutua, 2008).

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County governments gained significant powers, including county planning and development, management of county public works, county transport, implementation of specific national government policies on natural resources, and control over county public assets, including public land. County Land Management Boards were established under the Land Act of 2012 as the primary county-level institutions for land administration. These Boards, appointed by the National Land Commission in consultation with county governments, are responsible for managing public land at the county level, monitoring and overseeing land use planning at the county level, initiating investigations into historical land injustices in the county, and maintaining accurate records of public land (Conyers, 2007). The Boards serve as the operational link between the NLC and county governments. However, this institutional architecture has produced significant coordination challenges and jurisdictional ambiguities. The relationship between County Land Management Boards and county governments is often unclear, with tensions over authority and resources. The NLC's mandate to manage public land "on behalf of" both national and county governments create ambiguity about the extent of county autonomy in land matters. Different statutes and regulations sometimes provide conflicting guidance on responsibilities. Political competition between national and county levels, particularly when controlled by different parties or factions, further complicates coordination (Ostrom, 1990).

Despite the significant scholarly and policy attention devoted to devolution in Kenya, there remain important gaps in understanding the intersection of devolution and land governance. Much of the devolution literature has focused on political representation, fiscal transfers, service delivery, and inter-governmental relations, with less attention to natural resource governance generally and land specifically. Studies of land issues in Kenya, while extensive, have often treated governance reforms as background context rather than central analytical focus, or have examined national-level institutions like the NLC without adequate attention to county-level dynamics (Elfverson & Höglund, 2019). The existing literature on devolution and land in Kenya tends toward either broad national-level policy analysis or highly localised community studies, with less attention to the meso-level of county governance, where much implementation occurs. There is a need for empirical case studies that examine how constitutional provisions and national policies are interpreted, negotiated, and implemented at the county level, how county-level political dynamics shape land governance outcomes, and how historical grievances and contemporary conflicts interact with devolved institutions (Lynch, 2011). Laikipia County provides an ideal case for addressing these gaps. Its extreme land inequality, rooted in colonial dispossession, makes it a critical case for examining whether devolution can address historical injustices (Ribot et al., 2006).

The diversity of land users and uses, from large-scale ranches and conservancies to pastoralist communities and smallholder farmers, provides an opportunity to analyse how devolution handles competing claims and interests. The county's history of periodic land-related violence, including major incidents in 2017 and 2021, allows examination of how devolved governance structures respond to acute conflicts. Finally, the availability of data from government sources, civil society organisations, media coverage, and academic research makes Laikipia a feasible case for in-depth analysis. This study contributes to filling these gaps by providing a detailed empirical analysis of how devolution has reshaped land governance in a specific county context, examining both institutional developments and conflict dynamics. It bridges literatures on devolution, land governance, and conflict, providing insights relevant to scholars and practitioners working on these intersecting issues. Most importantly, it offers evidence-based

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analysis of the challenges facing Kenya's ambitious constitutional reforms, informing ongoing debates about how to strengthen devolution and address the country's enduring land question (Onoma, 2010).

3.0 METHODOLOGY

This study employs a qualitative case study approach to examine the dynamics of devolution and land governance in Kenya. Case study methodology is particularly appropriate for investigating complex social phenomena within their real-world contexts, especially when boundaries between phenomenon and context are not clearly evident. The case study approach allows for in-depth examination of processes, relationships, and outcomes that quantitative methods might overlook, while providing rich contextual understanding essential for analysing politically-charged issues like land governance (Klopp, 2000).

The selection of Laikipia County as the focal case is theoretically and empirically justified on several grounds. First, Laikipia represents a critical case for examining whether devolution can address historical land injustices. The county exhibits extreme land inequality rooted in colonial-era dispossession, with approximately 40 per cent of the county's land controlled by fewer than 50 individuals or entities, while indigenous pastoralist communities remain largely landless (Faguet, 2014). If devolution cannot facilitate progress toward justice in such stark cases, its transformative potential must be questioned. Second, Laikipia provides variation on key dimensions relevant to land governance under devolution. The county encompasses diverse land tenure systems, including large-scale private ranches, wildlife conservancies, smallholder agricultural plots, community lands, and contested public lands.

Multiple stakeholder groups with divergent interests and differential power compete over land resources, including commercial ranch owners, conservation organisations, pastoralist communities, primarily Maasai and Samburu, smallholder farmers, and county and national government agencies (Boone, 2011). This diversity allows examination of how devolved institutions navigate competing claims and interests. Third, Laikipia has experienced significant land-related conflicts during the devolution era, including major incidents of violence in 2017 and 2021 involving invasions of private ranches by armed pastoralist groups, destruction of property, displacement of communities, and loss of lives. These conflicts provide an opportunity to examine how devolved governance structures respond to acute crises and whether they offer improved conflict resolution mechanisms compared to pre-devolution arrangements (Peters, 2013). Fourth, Laikipia has relatively active county government institutions and civil society organisations engaged in land governance, providing rich data sources. The county has developed spatial plans, established a County Land Management Board, and engaged in various land administration initiatives, allowing assessment of implementation dynamics. Finally, Laikipia's conflicts have attracted substantial media attention, academic research, and policy analysis, making it a data-rich case despite the inherent challenges of researching politically sensitive land issues (Bardhan & Mookherjee, 2006).

This study draws on multiple data sources to triangulate findings and ensure comprehensive analysis. Primary sources include constitutional and legislative texts, specifically the Constitution of Kenya 2010, the Land Act 2012, the National Land Commission Act 2012, and the Land Registration Act 2012, which establish the legal framework for devolved land governance. Government documents analysed include Laikipia County Integrated Development Plans, County Spatial Plans, budget documents, and county assembly proceedings related to land matters. National Land Commission reports, including annual reports

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and special investigative reports on historical land injustices, provide institutional perspectives on challenges and progress. County Land Management Board records, where accessible, offer insights into operational dynamics and decision-making processes. Secondary sources encompass academic literature on devolution, land governance, and conflicts in Kenya generally and Laikipia specifically (Nalepa & Bauer, 2012). This includes peer-reviewed journal articles, book chapters, doctoral dissertations, and conference papers that provide theoretical frameworks and empirical evidence. Non-governmental organisation reports from entities such as the Kenya Land Alliance, Transparency International Kenya, and local civil society organisations working on land rights and conflict resolution in Laikipia provide alternative perspectives and document grassroots experiences. Media coverage from national newspapers, particularly the Daily Nation and The Standard, as well as specialised outlets covering land and environmental issues, offers chronological accounts of conflicts, policy debates, and stakeholder positions (Smoke, 2015). The data collection period spans from 2010, when the Constitution was promulgated, through 2024, covering the entire devolution era to date. This temporal scope allows analysis of implementation dynamics, identification of patterns over time, and assessment of how institutions and conflicts have evolved. Particular attention is paid to critical junctures, including the 2013 and 2017 general elections when land conflicts intensified, major conflict episodes in 2017 and 2021, and policy shifts in land governance at national and county levels (Moreda, 2018).

The study employs three complementary analytical frameworks. Multi-level governance analysis examines interactions between national, county, and sub-county levels of government, as well as relationships between state and non-state actors. This framework effectively analyzes coordination challenges, jurisdictional ambiguities, and power dynamics across governance levels by focusing on formal institutional structures, informal practices, resource flows, and accountability mechanisms.

Historical institutionalism offers tools to understand how past decisions and power structures influence current outcomes. This approach emphasises path dependence, whereby earlier institutional choices constrain subsequent options, and critical junctures when significant change becomes possible (Klaus & Mitchell, 2015). Historical institutionalism is particularly relevant for analysing why colonial-era land inequalities persist despite constitutional reforms and how institutional legacies shape the implementation of devolution. Conflict analysis frameworks, drawing on peace and conflict studies literature, structure the examination of land-related violence. This includes analysis of conflict actors and their interests, immediate triggers versus root causes of violence, conflict dynamics and escalation patterns, and responses by state and non-state actors. Conflict analysis complements institutional analysis by examining outcomes and revealing governance failures. These three frameworks are integrated through a political economy lens that foregrounds power relations, distributional conflicts, and contestation over resources (Geschiere, 2009). This integrated approach recognises that land governance is not merely a technical administrative matter but fundamentally political, shaped by historical legacies, contemporary power dynamics, and institutional structures.

This study acknowledges several limitations. First, the scope is limited to a single county case study. While Laikipia provides rich insights, patterns observed may not be representative of all Kenyan counties. Counties vary significantly in land tenure systems, historical experiences, ethnic compositions, economic activities, and political dynamics. Findings from Laikipia must therefore be extrapolated cautiously to other contexts. Second, data availability constraints affect the analysis. Land governance is politically sensitive,

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and some relevant documents, particularly those detailing intra-governmental disagreements or documenting informal practices, may not be publicly accessible. Financial and time constraints precluded extensive primary fieldwork, including interviews with key stakeholders. The study therefore relies primarily on documentary sources and secondary accounts, which may not fully capture on-the-ground realities or reflect perspectives of marginalised groups whose voices are often absent from official documents and media coverage (Chome et al., 2020). Third, the study period extends only through early 2024, representing approximately twelve years of devolution implementation. This timeframe may be insufficient for assessing long-term impacts of institutional reforms, particularly regarding the resolution of historical injustices that accumulated over a century. Some effects of devolution may only become apparent over longer periods. Finally, as with all qualitative research, this study involves interpretive judgments in selecting, organising, and analysing data. While efforts have been made to ensure rigour through triangulation of sources and explicit articulation of analytical frameworks, alternative interpretations of the same evidence are possible. These limitations are acknowledged not to undermine the study's contributions but to situate findings appropriately and suggest directions for future research.

The Laikipia Case

Laikipia County, located in the Great Rift Valley region of Kenya, was historically the homeland of various pastoralist communities, primarily the Maasai and Samburu peoples, along with the Dorobo hunter-gatherers. These communities practised extensive pastoralism, moving seasonally across vast rangelands in response to rainfall patterns and vegetation availability. The region's high-altitude grasslands, ranging from approximately 1,500 to 2,600 meters above sea level, provided ideal grazing conditions. Pre-colonial land tenure was governed by customary systems that recognised communal access rights rather than individual ownership, allowing for flexible resource sharing and sustainable rangeland management. British colonial settlement fundamentally transformed Laikipia's land dynamics (Bates, 2005). During Kenya's colonial era, Maasai, Samburu and other pastoralist communities were evicted from what is now Laikipia County to make way for British settler farms. This dispossession occurred through a series of coercive agreements and unilateral administrative actions. Following the 1904 and 1911 Maasai treaties with the British, these groups were forced out and relegated to reserves in southern Kenya to make way for the establishment of large commercial ranches owned by White settlers.

The colonial administration employed the legal fiction that lands not under cultivation were "waste and unoccupied," despite their critical importance for pastoralist livelihoods. Laikipia became part of the White Highlands, the fertile upland region reserved exclusively for European settlement. British settlers established large-scale ranches for cattle and sheep production, often exceeding tens of thousands of acres (Hassan, 2016). The colonial economy in Laikipia centred on commercial livestock ranching, with some areas also used for wheat farming. Indigenous communities who remained in Laikipia were relegated to small reserves, primarily the Mukogodo division in the northern part of the county. As land in Laikipia passed back and forth between white and Kikuyu hands for the rest of the 20th century, Laikipia's pastoralist population remained confined to the reserves originally created for the Dorobo, leading to overgrazing of these reserves. This confinement forced people who originally roamed freely across vast territories to concentrate their herds on limited lands, fundamentally disrupting their traditional pastoral systems.

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Independence in 1963 brought limited change to Laikipia's land ownership patterns. The "willing buyer, willing seller" approach to land reform meant that most European-owned ranches remained intact or were sold to wealthy Kenyans, many from politically connected families. Some land was redistributed through government settlement schemes, but these primarily benefited smallholder farmers rather than the displaced pastoralist communities. New African owners, including political elites and successful businesspeople, acquired large ranches and maintained commercial livestock production systems similar to those of the colonial period.

From the 1980s onward, Laikipia witnessed a significant transformation of land use toward wildlife conservation and tourism. Large-scale landowners, facing declining profitability of traditional ranching, increasingly converted their properties into wildlife conservancies. The ranches occupy huge tracts of land, the three largest being Laikipia Nature Conservancy with 107,000 acres, Ol Pejeta with 88,923.79 acres, and Loisaba with 62,092.97 acres. These conservancies generate revenue through high-end tourism, wildlife viewing, and, in some cases, conservation research. While conservancies have contributed to wildlife protection and provided some employment, they have also continued patterns of exclusion, with pastoralist communities often denied access to lands their ancestors traditionally used (D'Arcy & Cornell, 2016). The consolidation of inequality in land ownership has persisted and, in some respects, intensified in post-independence Laikipia. Land transactions have favoured those with capital and political connections, while landless pastoralist communities have seen few pathways to acquiring land. Some former European ranch owners have sold properties to wealthy Kenyans or foreigners, but the concentration of land ownership has remained largely unchanged. Political patronage systems have occasionally involved the allocation of public lands or the subdivision of ranches, but these processes have often benefited elites rather than addressing historical injustices (Hughes, 2005).

Contemporary Laikipia exhibits extreme land inequality and diverse land use patterns. There are 30 ranches owned by companies and individuals, and 13 owned by the community as group ranches, with group ranches mainly in the northern part occupying about 67,720.2 hectares and average land holding in the community group ranches per household being 10.06 hectares. This distribution reveals that a small number of private entities control the vast majority of the county's land, while communal landholders have significantly smaller per capita holdings (Greiner, 2013). The county's approximately 9,462 square kilometres are divided among several land use categories. Large-scale private ranches, many integrated with wildlife conservancies, dominate the landscape, particularly in the central and southern parts of the county. These properties engage in commercial livestock production, wildlife tourism, or mixed systems. Wildlife conservancies, some operating as standalone entities and others integrated with ranches, occupy substantial areas and have become increasingly important economically. Smallholder agricultural farms are concentrated in the southern and western parts of the county, particularly around Nanyuki town and along the slopes of Mount Kenya. These farms produce crops including wheat, maize, vegetables, and increasingly horticulture for export. Community group ranches in the northern parts of the county provide grazing lands for pastoralist households. Public lands include forest reserves, particularly on Mount Kenya's slopes, and various government facilities (Letai & Lind, 2013).

Population pressures have intensified competition over land resources. Laikipia's population has grown from approximately 323,000 in the 2009 census to over 518,000 by 2019, representing a 60 per cent increase in a decade. This growth results from natural increase and migration, particularly of smallholder

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farmers seeking agricultural land. Simultaneously, climate change has increased rainfall variability, with more frequent and severe droughts reducing available grazing. During drought periods, pastoralist communities from neighbouring counties, particularly Samburu, Baringo, and Isiolo, move their herds into Laikipia seeking pasture and water. These competing land uses and population pressures create ongoing tensions. Large-scale landowners prioritise conservation and controlled livestock production, seeking to prevent unauthorised grazing and settlement (Kameri-Mbote, 2016). Pastoralist communities assert historical claims to lands from which their ancestors were dispossessed and demand access during droughts when their traditional territories lack adequate resources. Smallholder farmers seek to expand agricultural production and sometimes encroach on ranch lands or community grazing areas. County and national governments face pressures to address historical injustices while maintaining economic productivity and protecting wildlife. These competing interests and the legacy of colonial dispossession form the context within which devolved land governance operates in Laikipia County.

4.0 RESULTS AND DISCUSSION

The 2010 Constitution embodied high expectations for transforming land governance through devolution. Constitutional provisions promised to bring land administration closer to citizens, enhance participation in decision-making, address historical injustices through independent institutions like the National Land Commission, and create accountable county-level structures responsive to local needs. In Laikipia County specifically, proponents of devolution anticipated that county governments would be better positioned than distant national authorities to navigate the complex dynamics of competing land claims, facilitate dialogue among diverse stakeholders, and develop locally-appropriate solutions to land conflicts. More than a decade into implementation, however, the reality in Laikipia reveals significant gaps between constitutional aspirations and actual outcomes. While devolution has created new institutional spaces and generated opportunities for local voice, it has not fundamentally transformed land governance or resolved historical grievances. Land conflicts have persisted and, in some periods, intensified during the devolution era, with major violence in 2017 and 2021. The distribution of land ownership remains as concentrated as at independence, with the vast majority of the county still controlled by a small number of large-scale landowners while displaced pastoralist communities remain largely landless. County government institutions have struggled to assert effective authority over land matters, caught between competing mandates, inadequate resources, and powerful vested interests.

The gap between policy and implementation manifests across multiple dimensions. Formal institutional structures exist on paper, including a County Land Management Board and land-related departments within the county government, but their effectiveness is constrained by capacity limitations, political interference, and jurisdictional ambiguities (Klopp, 2001). Policies and plans have been developed, including county spatial plans and development strategies addressing land use, but enforcement remains weak and political will to challenge powerful landowners is often lacking. Participation mechanisms exist formally, but meaningful engagement of marginalised groups, particularly pastoralist communities, remains limited. Most fundamentally, the structural inequalities rooted in colonial dispossession remain largely untouched despite constitutional commitments to restorative justice. A central challenge facing land governance under devolution is institutional fragmentation resulting from overlapping mandates, unclear divisions of responsibility, and weak coordination mechanisms between levels of government. The constitutional and legislative framework distributes land-related functions across multiple institutions, including the National Land Commission, national government ministries, county governments, and

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County Land Management Boards, without always clearly delineating boundaries of authority or establishing effective coordination mechanisms (Mwangi, 2006).

In Laikipia, this fragmentation produces several problematic outcomes. Different institutions claim jurisdiction over the same issues, leading to contradictory directives and confusion among stakeholders. For example, both the National Land Commission and county government assert authority over management of public lands, while their respective roles in addressing historical injustices overlap without clear protocols for collaboration (Hughes, 2005). Land use planning involves multiple agencies, including county planning departments, the National Environment Management Authority, and various national ministries, creating opportunities for forum shopping by powerful actors and delays in decision-making. Weak coordination mechanisms exacerbate these challenges. Regular formal structures for inter-institutional collaboration exist more on paper than in practice. Information sharing between the National Land Commission and County Land Management Boards is often inadequate, with each institution maintaining separate records and data systems. National government agencies may undertake land-related interventions in the county without adequate consultation with county authorities, undermining county planning processes and creating resentment (Bassett, 2009).

Perhaps most problematically, institutional fragmentation has fostered competition rather than collaboration. Instead of different institutions working synergistically toward shared objectives, they often compete for authority, resources, and credit. The national government withheld funding from the NLC, failed to turn over information, and engaged in blatant obstructionism, preventing the NLC from accessing inventories of public land or land registries. At the county level, elected officials sometimes view County Land Management Boards, whose members are appointed by the NLC, as rivals rather than partners. This competitive dynamic reflects broader tensions in Kenya's devolution framework between national and county governments, particularly when controlled by opposing political coalitions. While devolution promised to democratise land governance, it has, in practice, created new opportunities for elite manipulation and capture (Oucho, 2002). County-level political and administrative positions have become sites of contestation among elites seeking to influence land allocation, zoning decisions, and enforcement actions. Rather than challenging historical patterns of land inequality, county institutions have, in some instances, perpetuated or even facilitated continued elite accumulation.

County officials' roles in land governance are inherently political. Decisions about land use planning, allocation of county public lands, approval of development applications, and enforcement of regulations all have significant distributional consequences. In Laikipia, where land is the primary economic asset and historical grievances remain unresolved, control over county land governance institutions represents substantial power. Evidence suggests that this power has been exercised in ways that often favour connected elites rather than marginalised communities. The politics of County Land Management Boards illustrate these dynamics. While these Boards were intended to provide professional, non-partisan land administration at the county level, their composition and functioning have been shaped by political considerations (Médard, 2010). Appointment processes, though formally the responsibility of the National Land Commission, are subject to lobbying by county political actors seeking to place allies in influential positions. Once appointed, Board members face political pressures from county governments, national politicians, and powerful private interests. Boards' capacity to operate independently and challenge vested

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interests is constrained by limited budgets, dependence on county governments for operational support, and vulnerability to political interference.

More broadly, devolution has created new arenas for patronage politics involving land. County governments control the allocation of some public lands and influence zoning decisions affecting land values. Electoral politics at the county level frequently revolve around land issues, with candidates making promises regarding land redistribution, titling, or access. However, post-election implementation often falls short of campaign promises, and land allocations may reward political supporters rather than address genuine need or historical injustice (Kagwanja & Southall, 2009). The multiplication of political positions through devolution has increased the number of actors seeking to benefit from control over land resources. Perhaps the most significant finding is that devolution, despite constitutional commitments to addressing historical land injustices, has proven incapable of delivering transformative change in Laikipia's fundamentally unequal land ownership patterns. The structural obstacles to redistributive land reform remain formidable, and devolved institutions lack either the authority or political will to overcome them. Several factors explain this persistence.

First, constitutional protections for property rights create legal barriers to redistribution. While the Constitution commits to addressing historical injustices, it also guarantees property rights and requires compensation for any compulsory acquisition. Given the enormous value of land in Laikipia and limited public resources, purchasing land for redistribution at market rates is fiscally impossible (Boone & Kriger, 2012). The Constitution does not authorise expropriation without compensation, even for lands acquired through colonial-era violence and dispossession. Second, powerful economic and political interests oppose redistributive reform. Large-scale landowners in Laikipia, many with connections to national political and economic elites, actively resist any measures that might threaten their property. These actors mobilise legal resources, political influence, and public relations to block reform initiatives. Some frame their opposition in the language of property rights and economic efficiency, arguing that breaking up large ranches would harm wildlife conservation and tourism (Kanyinga & Long, 2012). Others warn of violence if redistribution is attempted, creating a climate of intimidation. Third, county governments lack the authority and capacity to undertake significant redistribution. While counties have some powers over land use planning and management of county public lands, they cannot unilaterally redistribute private lands or override national land policy. The National Land Commission has broader constitutional authority to address historical injustices, but it too faces severe constraints, including limited resources, political opposition, and legal complexities. In practice, addressing historical injustices in Laikipia would require national-level political will and resources that have not materialised. The tension between property rights protection and historical justice represents a fundamental contradiction in Kenya's constitutional framework. While the Constitution acknowledges the injustice of colonial dispossession, the legal and institutional mechanisms it establishes privilege stability and existing property rights over transformative redistribution (Oxfam International, 2017). Devolution has not resolved this tension but rather pushed it down to the county level, where local institutions struggle with contradictions that they lack the capacity to address.

Discussion

Analysis of Laikipia's land conflicts reveals how environmental stress interacts with governance failures to amplify violence. While institutional weaknesses create conditions for conflict, environmental factors,

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particularly recurring droughts linked to climate change, serve as immediate triggers (International Crisis Group, 2017). This interaction demonstrates the limits of purely institutional solutions to what are fundamentally ecological and political-economic crises. Kenya's arid and semi-arid lands, including areas of Laikipia, have experienced increased frequency and severity of droughts. When pasture and water become scarce in traditional grazing areas, pastoralist communities must either watch their herds starve or seek resources elsewhere. Historically, pastoralists moved flexibly across landscapes in response to environmental variability. However, contemporary land tenure arrangements, with much of the best rangeland enclosed in private ranches and conservancies, block traditional migration routes and limit access to critical resources. During drought periods, these tensions escalate into violence. Pastoralist communities, facing existential threats to their livelihoods, forcibly enter private ranches seeking pasture and water. Ranch owners resist these incursions, sometimes violently. Security forces intervene, typically to protect private property rights rather than facilitate access.

The resulting clashes produce casualties, displacement, and property destruction. Major conflict episodes in Laikipia in 2017 and 2021 followed prolonged droughts, illustrating this pattern. Importantly, institutional reforms under devolution have done little to address these environmental drivers of conflict (Kenya National Commission on Human Rights, 2018). County governments lack the resources and authority to implement large-scale environmental interventions, such as water infrastructure development or rangeland rehabilitation, that might reduce scarcity. Conflict early warning systems, though formally established, fail to prevent violence because the underlying resource scarcity persists. Security-focused responses, while potentially controlling immediate violence, do not address root causes and may even exacerbate grievances. This finding underscores that governance reforms, however well-designed, cannot resolve conflicts rooted in ecological crisis and structural inequality. Addressing land conflicts in Laikipia requires not only better institutions but fundamental changes in resource distribution and significant investments in climate adaptation (African Union, 2009).

Electoral dynamics in devolved Kenya have had contradictory effects on land governance and conflict in Laikipia. On one hand, competitive county-level elections have created opportunities for marginalised groups to demand attention to land grievances and hold leaders accountable. On the other hand, electoral competition has incentivised politicians to mobilise along ethnic lines using land issues, sometimes contributing to conflict escalation. Evidence shows that land conflicts in Laikipia intensified during the 2017 and 2022 election cycles, when mass movements of armed pastoralists forced their way into targeted areas, with drought initially triggering clashes that were worsened by political tensions linked to local elections (USAID, 2016).

Politicians seeking office, particularly those representing pastoralist communities, have been accused of encouraging invasions of private ranches, sometimes with implicit or explicit promises that land would be redistributed if they won power. Such mobilisation taps into genuine historical grievances but does so in ways that promote violence rather than constructive engagement. The ethnic dimensions of county politics in Laikipia compound these dynamics. While the county is ethnically diverse, electoral competition often breaks down along ethnic lines, with different groups advancing competing narratives about land rights. Kikuyu smallholder farmers, Maasai and Samburu pastoralists, and other communities each claim legitimate grievances and press for policies favouring their interests (Republic of Kenya, 2012). Politicians may exploit these divisions, portraying land conflicts as ethnic confrontations rather than addressing

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underlying structural issues. However, electoral competition also creates opportunities for accountability. County assemblies provide forums where land issues can be debated publicly (World Bank, 2018). Civil society organisations and media can highlight governance failures and demand action. Voters can punish leaders perceived as ignoring land grievances or facilitating elite capture. Some county politicians have sought to build broad coalitions by advocating for inclusive land policies, though such efforts face significant obstacles. The challenge is to harness the accountability potential of electoral competition while minimising its conflict-amplifying effects. This requires stronger institutions capable of constraining political manipulation, enforcing laws against hate speech and incitement, and creating inclusive platforms for land dialogue that transcend electoral cycles and ethnic mobilisation.

5.0 CONCLUSION AND RECOMMENDATION

This study has examined the complex interplay between Kenya's devolution framework and the persistent land question through the lens of Laikipia County. The analysis reveals that while the 2010 constitutional reforms and subsequent devolution of governance functions created new institutional architectures for land management, they have neither resolved historical land injustices nor effectively addressed contemporary land conflicts. Instead, Laikipia exemplifies how devolution has fundamentally transformed but not resolved Kenya's enduring land question. The findings demonstrate that devolution has produced paradoxical outcomes in Laikipia's land governance landscape. On one hand, it has created spaces for local participation, brought decision-making closer to affected communities, and established county-level institutions with explicit land management mandates.

On the other hand, the promise of improved land governance has been undermined by institutional fragmentation, with overlapping mandates between national and county governments creating coordination challenges rather than synergies. The County Land Management Boards, while theoretically empowering local actors, have become sites of contestation and, in some instances, elite capture, reproducing rather than challenging existing power asymmetries in land ownership and control. The persistence of violent land conflicts in Laikipia, particularly the recurring clashes between pastoralist communities and large-scale landowners, underscores the limitations of purely institutional reforms in addressing deep-seated structural inequalities. These conflicts are rooted in colonial-era land dispossession that created the "White Highlands," post-independence failures to implement meaningful redistributive land reform, and contemporary ecological pressures intensified by climate change and population growth. Devolution has not provided adequate mechanisms to confront these historical injustices; constitutional protections for property rights, combined with the political and economic power of large landowners, have effectively constrained the transformative potential of devolved land governance structures.

Furthermore, the study reveals how devolution has introduced new political dynamics that can both exacerbate and mitigate land conflicts. County-level electoral competition has created incentives for political elites to mobilise communities along ethnic lines and exploit land grievances for political gain, particularly during election cycles. Yet devolution has also empowered marginalised communities with new platforms for articulating their claims and holding local officials accountable, suggesting that the relationship between decentralisation and conflict is contingent on broader political and institutional contexts. The Laikipia case offers critical lessons for Kenya's ongoing devolution project and for other

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African countries pursuing decentralisation as a governance reform strategy. First, devolution alone cannot resolve deep-seated land inequalities rooted in colonial dispossession and decades of elite accumulation. Second, institutional reforms must be accompanied by substantive measures to address historical injustices, including potentially redistributive land policies that challenge existing property arrangements. Third, effective devolution requires clear delineation of responsibilities, robust coordination mechanisms between levels of government, and adequate capacity building at the county level. Fourth, successful land governance in divided societies necessitates inclusive, participatory processes that genuinely incorporate marginalised voices rather than merely creating new arenas for elite competition. Looking forward, Kenya's land question remains fundamentally unresolved. The tensions manifest in Laikipia are not exceptional but symptomatic of broader contradictions in Kenya's approach to land governance between constitutional commitments to address historical injustices and legal protections for existing property rights, between centralised control and devolved authority, and between market-based approaches and community land rights. Resolving these tensions will require moving beyond technocratic institutional fixes to confront the political economy of land inequality and the historical legacies that continue to shape contemporary conflicts. Ultimately, this study suggests that devolution should be understood as a necessary but insufficient component of comprehensive land reform in Kenya. While bringing governance closer to communities creates potential for more responsive and accountable land management, realising this potential demands a holistic approach that combines governance reform with historical justice, sustainable resource management, and the political will to challenge entrenched interests. The ongoing struggles over land in Laikipia remind us that Kenya's land question, despite constitutional reforms and institutional innovations, remains very much alive as a persistent challenge that will require sustained attention, bold policy interventions, and genuine commitment to equity and justice for years to come.

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