

Mediating Land Justice: The Role of Kenyan Media in Addressing Land Disputes and Disinformation

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Abstract

This study examined the role of media in exposing and addressing land injustices in Kenya, with a focus on the protracted legal dispute between the East African Portland Cement Company and the Aimi Ma Lukenya Farmers' Association over land in Mavoko, Machakos County. Employing a mixed-methods approach, the research utilised qualitative interviews with journalists, community members, and policymakers, alongside quantitative analysis of media coverage, online discourse, and social media engagement. The study concentrated on Machakos County and spanned the seven-year duration of the legal conflict. Findings revealed the significant contributions of traditional, online, and social media in highlighting land injustices, including corruption and human rights violations. The case study analysis underscored challenges related to misinformation and disinformation, emphasising the necessity for rigorous fact-checking and content verification in media reporting. The research also examined the delicate balance between content moderation and freedom of expression, as evidenced by the case's dismissal due to the plaintiff's failure to meet court-ordered timelines. Recommendations advocated for responsible and ethical media practices to combat disinformation and hate speech, emphasising media literacy and effective content moderation strategies for sensitive issues, such as land injustices. The study proposed actions targeting media outlets, journalists, policymakers, tech companies, and civil society organisations to foster a more inclusive society in addressing land injustices.

Key terms: Content moderation, disinformation, media coverage, media literacy, responsible reporting.

INTRODUCTION

Land in Kenya has been a subject of question since the colonial era, when British settlers owned the fertile areas after dispossessing indigenous communities. Kenya's attainment of independence in 1963 was intended to facilitate a process by which Kenyans could regain their lands; however, the redistribution process was not fulfilled (Freudenthal, 2015). This has caused chaos as it has fueled simmering resentment and cycles of violence. Today, the government has not yet fully addressed the issues of colonial dispossession that manifested as pervasive land grabs, where powerful actors exploit legal loopholes and bureaucratic machinations to disenfranchise vulnerable Kenyans (Dei, 2010). This takes place in areas, particularly with women and marginalised communities, from their ancestral lands. Therefore, this increased injustice has led to accelerated inequalities in land ownership, which hinder societal progression as millions grapple with landlessness and insecurity (DeLancey, 2012).

Land injustices are a genuine thorn in the side of all Kenyans, and they require urgent attention from all stakeholders. The importance of addressing these challenges lies in their impact on societal well-being as a whole. Beyond the economic space, the consequences of land are a unifying factor in Kenyan Society. Through the processes of land dispossession practices, there is an increased disruption of traditional social structures, which tamper with cultural identities and trigger instability and conflict. Consequently, from the economic perspective, it hinders development because it limits agricultural productivity, thus increasing poverty in the nation (Fox & Roberts, 2010). It also affects the gender, as women and girls are disproportionately adversely affected, as they have inadequate secure land rights, thus they encounter more challenges and are more vulnerable to exploitation and violence. This study aims to challenge the notion that land injustices should be addressed, as they are essential to the nation-building of a more just, equitable, and prosperous Kenya (Bosire, 2015).

The purpose of this article is to show the relationship between media, land injustices and the digital era. The research has key objectives that are tied to the role of media in uncovering land injustices and aligning key sub-themes within the conference. The paper notes that the media in Kenya has evolved, with an increase in outlets, including social media platforms, that offer unprecedented opportunities for voicing land-related issues. The article will delve deeper into various media platforms, including traditional and social media, as well as online news outlets, which often expose land grabs. These outlets frequently document scenarios of human rights violations and speak for marginalised communities (Chege, 2010). Therefore, this study will examine the effectiveness of these platforms in raising awareness, mobilising public support, and influencing policy change on their forums, as they help decrease land injustices. Besides, the paper aims to align with the conference theme by ensuring that it informs on gendered disinformation and hate speech through analysis of land-related misinformation and hate speech that disproportionately targets women and marginalised groups, as it examines the role of media in countering these harmful narratives and promoting gender equality (Human Rights Watch, 2015).

Additionally, there will be an exploration of the legal and ethical dimensions of disinformation and hate speech related to land issues, to protect vulnerable communities. The research will also examine media and information literacy within its exploration of how media affects communities' stories through the evaluation of data related to land injustices. Lastly, the paper analyses the role played by tech companies in combating disinformation related to land issues, urging the firms to develop ethical content that helps moderate practices in land and support marginalised voices (Dei, 2010).

LITERATURE REVIEW

Land in Kenya has been a long-standing issue, necessitating an understanding of the ongoing injustices. The historical dispossession of land has been a challenging issue since the 19th century. It has marked a turning point since the entry of the colonisers, as during the colonial era, British settlers

led Africans to sign treaties that coerced native communities, such as the Maasai and Kikuyu, to vacate some of their fertile lands (Bosire, 2015). Such systemic dispossession of land established a system that was skewed for land ownership patterns that persist today (Land Act, 2012).

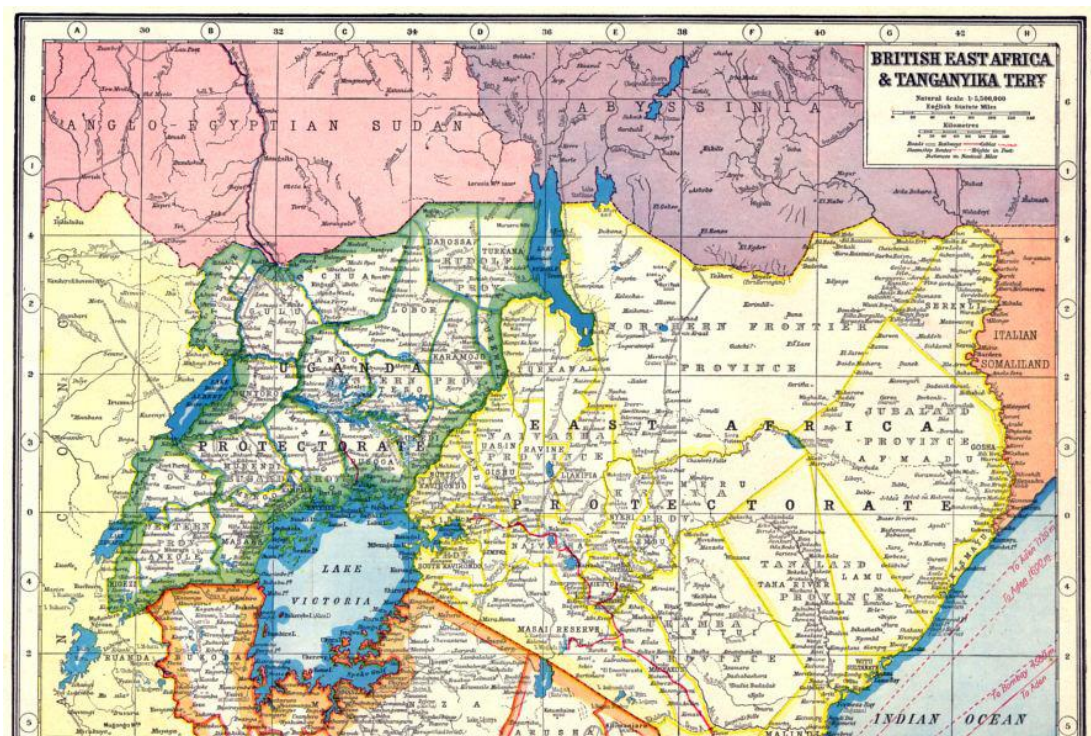


Figure 1. Image depicting a map of Kenya during the colonial era, highlighting areas of land appropriation by British settlers.

During the post-independent period, Kenyans were assured of land redistribution, which has largely remained unfulfilled. The day's governments have policies in place that often favour powerful individuals and corporations over marginalised persons, perpetuating the issue of land inequality (Birch, 2018). This has often led to increased resentment among the marginalised communities. Besides, Kenya has grappled with the issue of land grabs since its independence. Today, land grabbing remains a defining feature of contemporary Kenya. Cases of

powerful individuals and corporations, who often are in collusion with corrupt officials, exploit legal loopholes and manipulate land registries to acquire vast tracts of land (Bawa, 2010). This has always affected the people who are marginalised, as their communities have been targeted, destroying livelihoods. The influence caused by land grabbing is far-reaching. Often, communities lose their ancestral lands and cultural heritage, face poverty and food insecurity, which in turn increases their vulnerability to environmental degradation.



Figure 2. Image depicting a bulldozer clearing land for a development project, symbolising the threat of land grabs.

From historical facts, land injustices have often led to environmental degradation due to increased unsustainable land use. The inequalities caused by land ownership and insecure land tenure cause incredible land use practices that are often challenging and unsustainable. For instance, factors such as overgrazing, deforestation, and inappropriate farming methods could lead to increased soil erosion, desertification, and water scarcity. Additionally, climate change exacerbates challenges caused by unsustainable land usage, leading to more frequent droughts and floods that threaten the livelihoods and food security of Kenyans. The media has been a key connecting factor in addressing land issues and social changes. Scholarly works have portrayed media as a contributor to raising awareness about social injustices, as it amplifies marginalised voices, mobilises public opinion, and influences policy change.

This study will review how it exposes social injustices, amplifies marginalised voices, and mobilises public opinion, ensuring influence on policy changes (Greenidge & Mwaura, 2018). In exposing social injustices, the media ensures that it covers and exposes injustices that might go unnoticed. They ensure that the public is brought to attention of cases that are discriminatory, unequal, and other injustices. For instance, on matters related to land, Citizen TV was at the forefront in reporting on the issues

surrounding the encroachment of Langata Primary School land by land grabbers (Aketch, 2017). This saw the government through the policy makers sponsoring the public land amendment bill that would compel the state to issue title deeds to all public schools. Besides, President Uhuru, through his administration, gave a direction to the Ministry of Lands to issue title deeds to all learning institutions.

Additionally, the media has a framing and agenda-setting role that is more of influencing public perception towards a social problem. For example, when the media gave limelight to the injustices that took place when The East African Portland Cement (EAPC) at Mavoko, where 50 residents were evicted, churches, mosques and other properties were demolished following a high court ruling. The media aired this, which led to government intervention and the overturn of the decision which ordered their eviction. Also, through the media's influence, the parliament of Kenya convened a sitting to discuss Mavoko evictions and demolitions as they discussed how to handle the issue of land tussle.

Through the scenarios above, one realises that the media amplifies marginalised voices through representation and diversity. According to research, the media is the representative of people as they hold underrepresented perspectives of people's opinions,

which include considerations of race, gender, sexuality, and socioeconomic status of individuals. It is also a form of activism through the increased social media platforms such as Twitter, Instagram, and Facebook, where they can easily engage with the public through drawing attention to social injustices and ensuring a sense of community among marginalised groups (Graham, 2015).

In addition, the media ensures that it mobilises public opinion, which happens in two diverse ways. Firstly, they ensure that there is agenda-building and public opinion during their coverage, which propels the impact of public agendas like land challenges, where they shape what issues are salient in the minds of the audience. They ensure they propel the issue on their leveraged media platforms to mobilise public opinion, garner support, and create a sense of urgency around that specific case (Land Act, 2012). Secondly, the media contains the framing effect, which is critical in evoking emotional responses. Land tussles are vital issues to all Kenyans. When the media touches on such stories that make headlines, they influence public attitudes and behaviours, which, in a positive framing, emphasise solutions and action that mobilise support for social change.

Consequently, the media fosters policy changes. The media plays a critical role in advocacy as it promotes various strategies that advance social or public policy initiatives. For instance, through land injustices, the media's campaigns can influence policymakers by shaping public discourse and creating a favourable environment for policy change. Besides, it gatekeeps and sets the agenda in its determination to ensure information reaches the public, which helps drive policy changes (Graham, 2015). Often, policymakers respond to issues that gain significant media attention and public support.

Challenges in the digital era

Technological innovations have seen transformational changes in communication, which have raised various issues in land-related areas. For instance, increased hate speech also leads to conflicts and distorted narratives around land rights. Through digital media platforms, there is a provision of space for activism and awareness, where misinformation and hate speech can spread rapidly. For instance, tech

companies wield considerable influence in shaping the digital discourse around land-related matters. Their designs during the development of algorithms, which can be used to maximise user engagement, could inadvertently lead to extreme views and misinformation (Graham, 2015). This often leads to concerns in disseminating accurate information about land rights, as biased or sensationalised content that can distort public understanding and influence perceptions. Besides, critical concerns are raised towards content moderation as it affects persons dealing with land-related issues.

Research suggests that there should be a determination of what constitutes misinformation or hate speech in understanding local contexts and cultural sensitivities (Ndwigwa, 2023). Also, studies indicate that there should be a balance between freedom of expression and preventing harm, which becomes challenging for tech companies, often facing criticism in matters that require restrictions or permission in content moderation policies (Gibbon, 2014). Thus, advocating for responsible and ethical use of digital platforms in the context of land issues requires collaborative efforts between tech companies, civil society, and policymakers in a transparent manner to address the effects of false information and hateful speech on land-related matters.

Gendered Dimensions

Girls and women have been established as potential marginalised persons when it comes to accessing land rights and the media limelight challenges. The majority of Kenyan societies have traditional norms that tend to be discriminatory towards women, as they limit their land ownership. Besides, the media, through its traditional and digital platforms, also helps perpetuate these gendered norms, which are inappropriate (Fombad & Mbaku, 2016). This paper encourages that access to information is crucial for women seeking to assert their land rights, yet women often encounter barriers in the media space. The women's voices are silenced as they are marginalised and intentionally ignored, which affects their ability to advocate for land rights. Besides, research indicates that women are deterred from online spaces because they are exposed to gender-based violence, harassment, and cyberbullying, which makes them inactive in

participating in discussions related to land issues (Otieno, 2022). However, technological advancements present opportunities for women to amplify their voices, as they can utilise social media platforms to network, advocate, and share their experiences on matters related to land (Land Grabbing & Resistance in Africa, 2013). Consequently, women have established women-led movements and campaigns on digital platforms that highlight gender disparities in land-related rights and provide a platform for collective action (Cotcotta & O'Hara, 2012). Therefore, this research advocates for collective efforts in addressing gender-specific challenges in accessing land rights that should include initiatives to amplify women's voices in the media, combat online gender-based violence, and ensure inclusive and diverse empowerment in advancing equality in land-related discussions.

METHODOLOGY

The study employed various methods in approaching the issue, combining qualitative and quantitative analysis to examine the role of media in exposing and addressing social injustices, with a specific analysis on land-related issues (The Mau, 2011).

Qualitative Analysis

The research took a step in the qualitative phase, which was achieved by employing in-depth interviews that were conducted with the key stakeholders. The stakeholders included journalists who handled and reported on land-related matters, community members affected by land issues, and policymakers who are primarily involved in land governance (Chao & Guo, 2018). The interviews were aligned with objectives that would give the paper more insight into the perspectives, experiences, and decision-making processes related to media coverage and land-related social injustices (Wanja, 2021).

Quantitative Analysis

The paper took the quantitative analysis perspective in media coverage, online discourse, and social media engagement in framing land-related issues. The research conducted an online analysis where content related to land in Kenya was reviewed on a sample of news articles, digital forums, and social media posts. Also, statistical methods were used where there is an analysis of social media engagement, which involves

assessing public interest and sentiment by analysing likes, shares, and comments towards land-related topics (Carruthers, 2013). There were tools that were used in content analysis software, like Google Analytics, that helped to quantify trends and patterns in media coverage.

Geographical and temporal scopes

The study will focus on a specific geographical area with a high incidence of land-related conflicts, with an aim to provide context-specific insights. The geographical scope will be narrowed to Mavoko land tussles in Machakos County, Kenya. The temporal scope of the research will take place for three months to capture recent developments and changes in media coverage and public discourse.

Ethical Considerations and Data Protection Measures

The study takes key ethical considerations as paramount, as this is a sensitive subject that involves various stakeholders. There will be an issue of informed consent that will be collected from all interview participants, fostering understanding of the critical aspects of the study and agreement to participate voluntarily. Besides, the research ensured that there was anonymity and confidentiality guarantee with pseudonyms being used in reporting interview findings to protect participants' identities (Land Act, 2012). Additionally, the report includes strict data protection measures as the data will only be accessible to authorised researchers. Cases of personal information in social media will be anonymised and only aggregated in compliance with relevant data protection laws and guidelines that govern research processes (Bosire, 2018). Therefore, the research design will employ ethical standards and data protection protocols to safeguard the rights and privacy of participants and ensure the credibility and integrity of the study's findings.

RESULTS AND DISCUSSION

The research conducted a deeper analysis of a case involving East African Portland Cement Company and Aimi Ma Lukenya, taking an insight into the critical role of different media platforms in exposing land injustices. The report looks into traditional media's role in reporting the case because it gave the court

reporting, which played a significant role in disseminating information about the protracted court battle. The media helped the realisation of contested 4,298 hectares of land in Mavoko, Machakos County, which gave the public an awareness of the issues related to land grabbing, corruption, and potential human rights violations.

The paper also found critical aspects in countering disinformation and hate speech. For instance, the incident underscored the challenges that are marked by media outlets in preventing hate speeches and disinformation in matters related to land. The case at hand involving Aimi Ma Lukenya is an example that was aired, showing the attempts to use fake title deeds to claim ownership of County Estate, which saw demolitions that affected vulnerable Kenyans in an unfair manner, as exposed by the media. Journalistic scrutiny and fact-checking of the media platforms saw a navigation through avoiding misinformation as Kenyans were fed with content that was well researched to avoid confusion and chaos. However, elements of misinformation within the reporting were highlighted as there were potential aspects which influenced legal proceedings and public perception (Bosire, 2018). Thus, the paper calls for an emphasis on the need for media vigilance and reporting balanced news.

The media plays a key role in content moderation and freedom of expression regarding land-related discussions. However, there were discrepancies between the claims made by Aimi Ma Lukenya and the authentic data during the verification of information at the Ministry of Lands, leading to tension between curbing misinformation and upholding freedom of expression, particularly in cases where false documentations were presented. The paper also took an overview of hefty matters on the moderation of policies to prevent the dissemination of false information while respecting the legitimate expression of opinions and grievances (World Bank, 2016).

Additionally, the findings took note of media literacy and public engagement. The study found the inability of Aimi Ma Lukenya to file amended pleadings within the prescribed timelines raised questions about media literacy within the communities affected by land injustices. The case study within the findings fosters

gaps in understanding legal processes and timelines, which would adversely affect engagement with the media and the justice system. Therefore, the paper advocates that enhanced media literacy among affected communities will empower them to advocate for their rights and hold power structures accountable (Allen, 2017). Thus, the illustrations from the case studies underscore the importance of media in fostering transparency, accountability, and justice in the context of land-related issues.

CONCLUSION AND RECOMMENDATIONS

Conclusion: The study shows the critical role played by media in exposing and addressing land injustices, as it observes the need for responsible and ethical reporting in the digital period. The paper has highlighted crucial aspects such as challenges of misinformation, the delicate balance of content moderation, and the potential of media literacy to empower communities affected by land issues.

Recommendations: The paper recommends that there should be enhanced responsible and ethical media coverage. For instance, media outlets and journalists should ensure they foster fact-checking and verification processes to ensure credibility in their reporting on land-related matters (Land Act, 2012). In addition, the media should ensure they advocate for diversity in sources and perspectives, which gives a voice to the voiceless in marginalised communities in Kenya and avoids the perpetuation of stereotypes. Similarly, the media should develop guidelines for ethical reporting on land disputes, ensuring all measures are taken into perspective and emphasising transparency and fairness (Bosire, 2018).

Additionally, the study recommends ways to combat disinformation and hate speech. The paper implies that media organisations should establish mechanisms for swift correction of misinformation and provide clear channels for public feedback in establishing trust measures. Besides, the research envisions collaboration among the media platforms to counter misinformation through fact-checking and educating the public on recognising and challenging disinformation (White Gold, 2020). This goes hand in hand with the implementation of stringent editorial policies that encourage reporting against hate speech and focus on gender-sensitive approaches.

Besides, the paper advocates for the promotion of media literacy and community empowerment on matters related to land. The research shows that civil society organisations and educational institutions have a mandate to ensure that there is collaboration in designing media literacy programs tailored to communities impacted by land injustices (Constitution of Kenya, 2010). This study believes that through empowering community leaders and activists in Kenya with media literacy skills, there will be an effective change in engagement with and challenge misleading information. It is an extension to proper utilisation of digital platforms in the dissemination of educational content that promotes media and land-related matters while ensuring critical thinking skills (Cotcotta & O'Hara, 2012).

Similarly, the paper encourages developing effective content moderation strategies within tech companies in combating land injustices. For instance, technological companies can develop mechanisms that help flag content that is inappropriate or misleading to users in matters related to land. The study advises that there should be an establishment of

clear content moderation policies that address the nuances of land-related discussions, considering cultural context and gendered dimensions (Land Policy Initiative, 2019). This should be done in collaboration between tech firms, civil societies, and policymakers to continually refine content moderation strategies (Amnesty International, 2017).

The study gives insight into the vital role of responsible digital media in addressing land injustices. It ensures that media and all stakeholders should endeavour to build a society that is inclusive and equitable, which is just through upholding ethical standards and combating misinformation, which can help empower societies to overcome land disputes. The paper acknowledges that responsible use of digital media is critical as it fosters transparency, accountability and equity in addressing land-related concerns. Besides, the research advocates for the implementation of the recommendations suggested by stakeholders as they contribute immensely to a media landscape that fosters social justice and inclusivity, which gives an overview of the broader goals of the conference theme.

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