

## Land, Power, and Political Violence in Kenya: Colonial Legacies and the Institutionalisation of Conflict

### Authors

William Ndiema Kiptoch <sup>(1)</sup>; Samson Moenga Omwoyo <sup>(2)</sup>

Main author's email: [wndiema@kabarak.ac.ke](mailto:wndiema@kabarak.ac.ke)

(1,2) Kabarak University, Kenya.

### Cite this article in APA

Kiptoch, W. N., & Omwoyo, S. M. (2026). Land, power, and political violence in Kenya: Colonial legacies and the institutionalisation of conflict. *Journal of politics and international studies*, 3(1), 16–33. <https://doi.org/10.51317/jpis.v3i1.1008>



A publication of Editon Consortium Publishing (online)

### Article history

Received: 2026-04-21

Accepted: 2026-05-15

Published: 2026-06-10

Scan this QR to read the paper online



**Copyright:** ©2026 by the author(s). This article is an Open Access article distributed under the terms and conditions of the Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License (CC BY-NC-SA 4.0).



### Abstract

This article aims to look at how these injustices that were perpetuated during colonial times and in the postcolonial era have been structurally instrumental in the political violence in Kenya. This study uses historical-institutionalist and political-economy perspectives as a theoretical lens to identify continuities between colonial, postcolonial, and contemporary times, drawing on archival sources, government reports, and secondary literature. Findings show patterns of exclusion which persisted over time, as postcolonial elites perpetuated and negotiated an alienation of land through selective land redistribution and through patronage-based governance. In the 1990s and the Post Election Violence (PEV) that occurred in 2007/08, land grievances were the key instigators of violence. Finally, the article suggests that to achieve sustainable peace in Kenya, rather than simply achieving technical land reform, there needs to be a structural separation between land and political power. It contributes to the wider discussion of postcolonial state formation, land politics, and violence in Africa and proposes institutional, legal, and governance reforms to halt cycles of land-related violence. Further research could be conducted on the same framework in other contexts in postcolonial Africa with similar histories of land tenure; the effect of devolved governance structures on the dynamics of land conflicts since 2010; and the gendered aspects of land dispossession and political violence, which have not been explored in the literature.

**Keywords:** Colonial legacies, Kenya, land politics, political violence, postcolonial governance.

## INTRODUCTION

The political, economic, and social life of Kenya revolves around land. Land, as a material resource, has influenced settlement, citizenship, and power since the colonial era, and as a symbol of belonging. However, land has remained a source of tension and war for over 60 years since independence. Throughout periods of political violence, especially during elections, the extent to which land grievances have remained the organising power of political mobilisation and social division in the country has repeatedly been made evident (Branch & Cheeseman, 2008; Kanyinga, 2009). This particular assertion regarding electoral land grievance cycles cited Weber (1978). This phenomenon was subsequently examined by Branch and Cheeseman (2008) and Kanyinga (2009), who directly investigated it in the Kenyan context. Though this is the case, numerous trends of explaining violence in Kenya have oftentimes focused on ethnicity, electoral malpractice or weak institutions, and have frequently not traced back to the historical roots of conflict.

In this paper, it is argued that land is not a peripheral problem in Kenya's political violence, but a structural one (Acemoglu & Robinson, 2012). The main thesis presented here is that Kenyan modern conflicts can be viewed rather as the cumulative product of land alienation and its selective resolution in the postcolonial era. Land redistribution policies, particularly in the fertile White Highlands, led to permanent disparities in landownership that were not resolved after independence (Tilly, 2003). Rather, postcolonial governments reinstated and used colonial land institutions, which allowed political elites to amass power by distributing land and excluded a significant portion of the population.

Instead of settling historical scores, post-independence land policies reproduced them in different ways. The schemes of settlement, land adjudication, and titling were often politicised, so that those with access to state power could take advantage of others through these processes (North, 1990). As time passed, these patterns institutionalised land-based inequalities that came to be embedded in political competition. Whenever political contestation increases, especially during elections, elites mobilise unresolved grievances, and structural land disputes

are converted into violent encounters (Herbst, 2000). The paper takes a step further by exploring the ethnicization of violence and instead predicting land as the major axis of power and exclusion by looking at violence through the lens of the political economy. It situates Kenyan political violence within a longer historical trend, spanning colonial dispossession, postcolonial rule, and modern-day conflict (Mbembe, 2001). In this way, the paper will add to the general scholarly discussion of how historical land injustices relate to postcolonial state formation and political stability in Africa.

The main challenge in this article is the recurrence of political violence in Kenya over the years, despite the country's independence and several reform efforts. Many of the theories available that explain this violence focus on ethnic differences and electoral competition; however, these cannot explain the structural and historical causes of conflict. Land in Kenya has always held a central role in defining race, fostering racial oppression, and marginalising and dispossessing communities. Land has always been and remains an instrument used in shaping the racial hierarchy by colonial powers, for consolidation of patronage by the postcolonial elite, and for the dispossession and exclusion of marginalised communities. This study argues that if the structural underpinnings are not understood, it will be hard to find a permanent solution to political violence in Kenya.

The study's primary research question is: How has the process of land alienation by the colonists and the administration of land after independence in Kenya institutionalised political violence? This question covers three interrelated sub-questions: (1) How did colonial land policies create the structural conditions for political conflict? (2) How did postcolonial regimes reproduce these conditions through patronage-driven land administration? and (3) How have unresolved land grievances been mobilised as instruments of electoral violence, most acutely in the 2007/08 Post-Election Violence?

## Land and Power Politics and the Postcolonial State

The historical relationship between land and state power is the basis for any serious analysis of political violence in Kenya. Land was not simply an economic

resource in colonisation; it was also a key element through which power was organised, racial hierarchy was imposed, and political dominance was preserved. The alienation of colonial land fundamentally reshaped social relationships, depriving the African population of the most productive land and turning land access into a matter of colonial power (Ilfie, 1995). This restructuring provided the institutional foundations for the postcolonial state to be constructed in the future. The British colonialists in Kenya systematically expropriated large tracts of arable land, especially in the central highlands, to settle Europeans (Berry, 1993). The native people were displaced, put in reservations or integrated into a labour system that hinged on their deprivation of land-based means of livelihood. During this time, land tenure systems were introduced that favoured individual ownership, secured by land titles, at the expense of communal land use systems and land governance that had hitherto controlled access to land and resolved disputes.

More importantly, the land policy of the colonials did not merely deprive Africans of their land; it transformed land into a political resource, run by the state. These land institutions were left intact in the Kenyan state at independence. Instead of dismantling colonial land control systems, post-independent governments used them in new ways. Restitution of land, which had been the driving force behind the anti-colonial movement, was not only not completely accomplished, but was even partially accomplished. Settlement schemes were also established to repatriate former settler land, yet access to the schemes was uneven and sometimes based on political favours. Elites with ties to the ruling party amassed land, leaving many landless or displaced. The political impact of this selective redistribution was long-range. Land distribution was transformed into a measure of cementing political allegiance and compensating allies, and it became part of the political economy in Kenya (Guyer, 1995).

Access to land became increasingly contingent on connection to the state over time, which deepened the sense of alienation and injustice among marginalised groups. This was especially noticeable in areas whose historical displacement had never been settled, and where administrative districts and

electoral circles clashed with land claims. Politically, in terms of the economy, land is material and a source of political domination in Kenya.

Political elites can influence trends in accumulation, citizenship, and belonging by controlling land institutions. Institutionalism of the past also helps explain why these trends have been so difficult to pry out. Colonial institutions created path-dependent processes that limited postcolonial reforms. Any effort to resolve land grievances was filtered through existing bureaucracy and laws, which curbed radical change and ensured that elite benefits were not lost. Land has been an effective mobilisation factor due to the unresolved land grievances. Land grievances are mobilised and reshaped by political talk during times of political rivalry, especially during elections. Elites rely on historical discourses of dispossession and the right of habeas corpus to organise communities in terms of land dispossession or endangered marginalisation.

Though these mobilisations are frequently expressed in ethnic terms, the real struggles lie in physical imbalances and established land tenures and land control institutions (Kopytoff, 1987). To explain political violence in Kenya, you have to go beyond the superficial explanations about ethnicity or electoral malpractice. Where long-standing land grievances are coupled with weak accountability systems and competitive politics, violence manifests. The Kenyan situation is not unique in this respect but typical of the pattern of postcolonial Africa.

In African countries, Herbst (2000) argues that structural factors made it easier for others to exercise control over land, thereby fostering resource-based conflict. In theorising the postcolonial state, Mbembe (2001) describes a state defined by an interplay of power, violence, and wealth extraction, most obviously in land governance. This is also illustrated by Ajulu (2002), who shows that political ethnicities in Kenya and East Africa cannot be traced to any cultural, primordial origins. The Kenyan experience thus helps support and validate these wider theories and provides empirical specificity about the nature of the translation of colonial institutional legacies into electoral violence. In such instances, land is the image and reality of larger battles over power, resources, and

acknowledgement in the post-colonial state (Spears, 1997). This structural reading is corroborated by recent scholarship. In both cases, Boone (2018) presents African cases in a comparative perspective, and Klopp and Lumumba (2017) document how the land question remains a source of political competition in Kenya's devolution era. Manji (2015) also demonstrates that post-2010 constitutional changes, intended to bring about change, have not substantially affected the patronage-based process of land allocation. Unlike the colonial grievance, land is at the heart of political power and exclusion in contemporary Kenya, as these studies show.

## LITERATURE REVIEW

Scholarship on land and political violence in Kenya spans several disciplinary traditions. Early political science accounts tended to frame Kenyan conflict through the lens of ethnic competition and electoral manipulation (Widner, 1992; Branch & Cheeseman, 2008). While these analyses helpfully highlighted the role of elite actors in mobilising violence, they were limited in their capacity to explain the structural and historical dimensions of conflict. More recent political economy approaches have interrogated the institutional foundations of land-based grievance, emphasising how colonial land regimes and postcolonial patronage systems created durable conditions for violence (Boone, 2012; Kanyinga, 2009).

Historical-institutionalist scholarship has been particularly influential in tracing how colonial land policies generated path-dependent processes of exclusion. Anderson (2005) documents the systematic dispossession of African communities in colonial Kenya and the violent suppression of resistance. Elkins (2005) reveals the coercive apparatus deployed during the Mau Mau era, which institutionalised violence as a tool of land governance. Berman and Lonsdale (1992) provide a foundational account of how colonial rule restructured land relations and political authority, effects that outlasted formal independence. Mamdani (1996), in his broader African context, argues that the colonial decentralised despotism created bifurcated citizenship structures that fundamentally shaped postcolonial governance, including land administration.

On postcolonial governance, Klopp (2001, 2002) traces how electoral despotism under Moi instrumentalised land allocation for political survival, while Kanyinga (2000) demonstrates how redistribution from above reproduced colonial inequalities under new political arrangements. Boone (2012) develops a systematic comparative account of how land tenure institutions across Africa shape the structure of political competition and violence. In the context of the 2007/08 Post-Election Violence, Mueller (2008, 2011), Lynch (2008), and Cheeseman (2008) have examined the mechanisms by which land grievances were mobilised along territorial and ethnic lines. More recent scholarship, including Manji (2015) and Boone et al. (2019), critically evaluates the limitations of post-2010 constitutional land reforms.

Despite this rich body of scholarship, a gap remains in studies that integrate the full historical arc from pre-colonial land relations through postcolonial patronage to contemporary electoral violence within a single analytical framework. Much existing work either foregrounds colonial history or focuses on contemporary electoral dynamics without systematically connecting the two. This study contributes to filling this gap by tracing institutional continuities across these periods and situating the 2007/08 PEV within a *longue durée* of land dispossession and state formation.

## METHODOLOGY

This study employs a historical-qualitative research design, drawing on historical institutionalism as its primary analytical framework. Historical institutionalism is well suited to this inquiry because it foregrounds the role of path-dependent processes, institutional legacies, and critical junctures in shaping long-term political outcomes (North, 1990; Tilly, 2003). The study traces how specific institutional arrangements, particularly colonial land tenure systems and postcolonial land administration mechanisms, have shaped the structural conditions for political violence over time.

Data sources include archival materials such as colonial land ordinances and official reports, official government documents including the Constitution of Kenya (2010), the CIPEV Report (2008), the TJRC Report (2013), and the National Land Commission

(2017) report on historical injustices, as well as an extensive body of secondary scholarly literature spanning history, political science, and African studies. Case selection is guided by critical case logic: Kenya is a paradigmatic case of land-based political violence in postcolonial Africa, where the relationships among colonial dispossession, elite patronage, and electoral violence are unusually well documented.

The analytical approach is interpretive and comparative within the context of Kenya's historical trajectory. The study traces institutional continuities and discontinuities across three periods: pre-colonial, colonial, and postcolonial. This diachronic comparison allows for the identification of how specific colonial institutional choices, particularly the Crown Lands Ordinances and the structure of land titling, created the path dependencies that subsequent postcolonial governments inherited and reproduced. The 2007/08 PEV serves as the primary empirical focus and stress-test of the study's central argument.

## FINDINGS AND DISCUSSION

### Pre-Colonial Land Relations, Authority, and the Limits of Violence

Land relations in what was subsequently to be Kenya were entrenched in social, ecological, and political structures in precolonial times that were entirely different to the territorial and juridical logics by "juridical logics" the author means the legal and administrative reasoning systems through which the colonial state defined, classified, and enforced land rights: the Crown Lands Ordinances, the system of individual freehold title, the distinction between "waste and unoccupied land" and legally recognized ownership, and the courts and administrative apparatus that adjudicated competing claims. These logics privileged documentary evidence and state recognition over historical occupancy and communal use, fundamentally restructuring who could make valid land claims and on what basis, ushering in a system that was imposed by the colonial state. The pre-colonial societies were neither quiet nor stagnant, but the types, definitions, and boundaries of violence were organised by social institutions that restricted its magnitude and duration.

Understanding these dynamics is important to demonstrate that it is not necessary to romanticise pre-colonial Africa, but rather to show how colonial intervention transformed the conflict from a regulated social practice into an instrument of massive displacement and political control. In much of pre-colonial Kenya, land could not be seen as alienable private property but as a communally controlled resource bound to kinship, lineage, and community membership (Berman, 1990). The right to land was based on belonging rather than ownership, and rights were hierarchical and relative. In agrarian communities like the Agikuyu and Abaluhya, land was distributed through lineage systems that balanced agricultural needs with communal duties. Land use in pastoralist societies like the Maasai and the Turkana was controlled by seasonal mobility, ecological knowledge and negotiated access to grazing and water. These systems were responsive, flexible, and adaptable to environmental variability.

War in this respect was not a nullity. Raiding, warfare, and resource competition were common, especially during times of ecological stress. But these conflicts were seldom directed to the permanent conquest of the country or complete displacement. Violence was a tool, not an existential force. Cattle raids or access to pasture were limited in scope, temporal and usually proceeded by reconciliation. It was not aimed at eliminating an opposing group, but rather at restoring balance or acquiring the resources needed to survive. More importantly, pre-colonial communities had systems for resolving conflicts and restoring social order. Elderly councils were at the forefront of adjudication, sanctions, and dispute settlement. Inter-marriage was a powerful social technology for diffusing tensions and forming overlapping identities between communities. Through rituals of reconciliation, compensation and oath-taking, norms of excessive violence were strengthened. These institutions failed to do away with conflict, but instead incorporated it into moral economies that prioritised coexistence, rather than annihilation (Cooper, 2002).

Pre-colonial Kenya lacked a centralised authority. Influence and social status, as well as ritual authority, were used to wield political power rather than coercive power being monopolised. The lack of a centralised state apparatus restricted the state's

ability to respond to long-term and mass violence. Leaders who broke the social norms or were extremely brutal were liable to lose followers and legitimacy. Under this understanding, violence was not limited to the law but also extended to social responsibility. Colonial rule, however, disrupted these systems greatly. The colonial state not only brought new forms of authority but also destroyed existing institutions of government and resolved conflicts. The indigenous leaders were either excluded or given roles in the colonial government as lesser officials, losing their authority and responsibility to the locals. The colonial law replaced customary norms and redefined land relations and conflict, privileging state power at the expense of communal negotiation (Mamdani, 1996).

The establishment of territorial delimitations was a drastic change in the space settlement of pre-colonial times. Infrastructure and administrative boundaries, reserves, and individual claims introduced strict conceptions of identity that had been pervious. The communities that had negotiated access to land and resources were now re-categorised as either outsiders or squatters in newly delimited territories. Mobility, as one of the strategies of adaptation, became a crime. Land rivalry thus changed from the process of negotiated coexistence to zero-sum competition. The colonial legal systems turned land into an object of individual possession supported by state violence. The Crown Lands Ordinance made large portions of the land belong to the colonial state, thereby rendering the occupation of African land legally unseen. The new definition of communities was a tenancy at will on land that they had lived on for a long time. This judicial dispossession was imposed by coercion, taxation and forced labour, and violence was central to colonial rule (Elkins, 2005).

The undermining of the local conflict-resolution systems had long-term effects. The colonial state left a governance vacuum at the local level by ousting local institutions without offering valid replacements. Issues that involved negotiation beforehand were either reviewed bureaucratically or forcefully enforced. The dependency of violence by the colonial state as opposed to institutionalised violence as an option in solving land disputes.

Besides, colonialism racialised access to land and resources. The most fertile lands were given to the European settlers, who enjoyed secure tenure, whereas the African people were restricted to congested reserves. This geographical segregation brought about material inequality that was not simply economic but highly political. The territory was turned into an indicator of the racial hierarchy, and the process of dispossession turned out to be a new everyday life. This struggle against colonial policies towards the land can never be understood outside the context of systematic exclusion, as in the Mau Mau rebellion. The impacts of these changes were not terminated with independence. The postcolonial state had a topography defined by colonial dispossession, fractured government, and undermined communal institutions. Although the formal racial hierarchies had been broken down, the structures of land control had not been much transformed. The governments of the post-independence era continued to have an uneven allocation of land by keeping the centralised power, thereby creating new forms of political patronage.

Notably, the annihilation of pre-colonial mechanisms for regulating conflict exposed communities to politicised violence. The land grievances became more intertwined with the national politics, without trusted local institutions to facilitate the resolution of disagreements. These grievances were taken advantage of by political elites, who have used them to mobilise communities based on historical injustice claims and to reward communities who remain loyal. The violence, which was previously checked by the social norms, turned out to be an instrument of political tactics. This historical pathway disputes accounts that make yet again primordial ethnic animosity the cause of modern-day violence in Kenya.

Societies in pre-colonial times could address conflict without resorting to massive displacement or mass violence. The establishment of colonial land regimes and state-centred governance were the very reasons why the nature of conflict changed. Making dispossession institutional and undermining local control structures, the colonial rule provided the context in which the mobilisation of violence on a much bigger scale would be possible. There is no sense of nostalgia in knowing pre-colonial land relations, but it is a duty to do so rather than engage in

deliberations (Elkins, 2005). It shows that the violence in Kenya is not an inevitability of its society but has been generated over history as a result of a set of institutional provisions. It further underscores the need to restore validated land governance structures and dispute-resolution processes to prevent cycles of violence.

## **Colonial Rule and the Institutionalisation of Land Violence**

The colonial rule in Kenya was a point of departure in the union between land, power, and violence. Although violence had occurred before colonialism, the colonial state essentially transformed the intensity and rationality of violence by institutionalising it into law, bureaucracy and the control of territory. Violence was no longer just episodic and socially controlled, but became structural, embedded in institutions that controlled access to land, labour, and even membership in a political group (Anderson, 2005). The origins of modern land-related violence in Kenya lie in this colonial reconfiguration. The British colonial venture in Kenya was, from the beginning, a land-based enterprise. Kenya was to be a settler colony, unlike the colonies that were mainly focused on extracting minerals or trade (Lonsdale, 2004). The settlement of the European world required land acquisition and conversion into legally secure, alienable property. This vision was at odds with African systems of land tenure, which were communal, flexible, and socially situated rather than codified in ownership.

The colonial resolution was never to coexist but to be displaced. The legal basis of this change was the Crown Lands Ordinance, which was revised in 1902 and again in 1915. The ordinances proclaimed that all that was waste and unoccupied was property of the Crown, a legal fiction that swept away African presence and occupation (Berman & Lonsdale, 1992). Settlements that had inhabited, or worked or grazed the land for centuries were declared as occupants with no rights over the property. Legally, Africans became tenants at will of the colonial state and could be evicted without compensation. This legal trick transformed land dispossession into a lawful administrative action and concealed the coercion through legal language.

The consequences of such a legal system were dramatic. By vesting ultimate ownership of land in the Crown and making access conditional on obedience to the colonial authority, the colonial state centralised control over land allocation. Instead of being negotiated at the community level, land was now a political tool dispensed by the state. Violence, either in terms of forcible removals, punitive expeditions or legal sanctions, became the means of the enforcement of this new order. The establishment of the White Highlands was a case in point of the spatial implications of the colonial land policy. Large tracts of arable land in central Kenya were reserved for European settlers at the expense of African communities, including the Agikuyu, Maasai, and Kalenjin (Mamdani, 1996). These movements were not accidental but planned, and were explained by the racialised discourse of underutilization and civilisation. The Africans were relegated to overcrowded, ecologically strained reserves, and their agricultural production was decreasing.

The ensuing land scarcity increased competition and aggravated grievances that would persist even after colonialism ended. Dispossession came along with the coercion of Africans into the colonial economy. The dispossession of land brought many Africans to wage labour in the settler farms or on government projects, and in most cases under deplorable conditions (Boone, 2014). The taxation systems, such as hut and poll taxes, also forced them to join the colonial labour market. This process involved violence. The chiefs and colonial officers imposed obedience through fines, imprisonment, and corporal punishment. The imperial power, therefore, combined economic exploitation with forceful rule, making violence an order of the day in administration. The reorganisation of the colony's power was also important. The indigenous systems of governance were destroyed or selectively corrupted with indirect rule.

The colonial state appointed or empowered chiefs who, in many cases, lacked traditional legitimacy and held them accountable to their superiors, colonial administrators, rather than to their communities. This restructuring turned the local power into a continuation of the state coercion (Boone, 2018). Chiefs turned into land alienation, taxation and labour

recruitment agents and undermined trust and indigenous conflict resolution mechanisms.

Ethnic categorisation was also a factor that increased tensions in the colonial state. The ethnic identities, which were fluid and situational, were fixed by administrative borders, identity documentation, and censuses. Ethnicity was the primary category of governance, by which populations were classified, resources were distributed, and dissent was suppressed. Ethnic identities were not formed out of thin air by this process, but were instead solidified, tied to land and political rights in new ways (Atieno-Odhiambo, 2004). Colonial control was mainly based on divide-and-rule strategies. The colonial state disbanded the populations of Africans into administratively separate tribes so that a united resistance could not occur. Unequal distribution of land, education, and jobs further intensified the beliefs of inequality between groups (Kanyinga, 2009). These differences were eventually internalised as ethnic grievances, despite their origins in the colonial political economy. The ethnicization of land struggles in this manner, therefore, has a strong historical basis in the colonial forms of administration.

Opposition to the alienation of colonial lands was widespread and persistent. From initial protests and petitions to more structured movements, Africans fought dispossession in many ways. The most dramatic form of this resistance was the Mau Mau uprising of the 1950s. Although Mau Mau is usually framed in a parochial manner as an ethnic uprising, the Mau Mau was essentially a land war based on complaints of dispossession, forced labour, and political marginalisation (Widner, 1992). The colonial reaction was violent: mass incarceration, forced villagisation, and massive violations of human rights. The level of violence was so high that it consolidated the use of coercion as a way of ruling. Mau Mau was suppressed without solving the land question; it only postponed it. With independence at hand, the colonial state sought to control the transition without destroying settler land or radically altering land tenure structures. The focus on restitution was replaced by a market-redistribution approach, which paved the way for the postcolonial capture of elites.

In this regard, the colonial rule was not merely terminated but redefined and transferred (Ajulu, 2002). The institutionalisation of exclusion was perhaps the longest-lasting contribution that colonial land policy made. The colonial rule separated land and social belonging by redefining land as a right of legal possession and state recognition. Documentation and administrative classification were increasingly associated with citizenship, residence, and political rights (Klopp, 2001). The communities that had been displaced in the colonial era remained somehow marginal, and their claims could never be translated into the legal structures of land allocation.

This was a significant legacy of the institutions and a major influence on postcolonial politics. The Kenyan independent state inherited a centralised land administration machine aimed at control rather than equity. Even though racial discrimination was officially eliminated, the rationale for land allocation mediated by the states remained unchanged. The political elite could use land as a patronage tool now, and the trends of exclusion were being replicated with a fresh facade. More significantly, the colonial era turned violence into a normalised tool of state authority, no longer socially confined or subject to communal accountability, but institutionalised as a routine instrument of administration. The evidence for this normalisation is extensive and well-documented. Elkins (2005) demonstrates that the colonial administration employed systematic torture, mass detention without trial, and forced villagisation during the Mau Mau emergency (1952–1960), with over 1.5 million Kenyans held in detention camps or enclosed villages. Anderson (2005) documents that more than 1,000 Kenyans were executed by the colonial state during this period, with thousands more subjected to collective punishment.

Punitive expeditions against communities resisting land alienation were routine from the earliest years of colonial settlement, as documented by Berman and Lonsdale (1992). The systematic use of forced labour, hut taxes enforced by corporal punishment, and the appointment of administratively accountable chiefs who used coercion to enforce colonial land orders all constituted a regime in which violence was not an exceptional response but a standard governing tool. This institutional normalisation of coercion embedded

in law, bureaucracy, and administrative practice is precisely what distinguishes colonial land governance from the pre-colonial conflict regulation systems described earlier in this paper. The local means of accountability were replaced by a state monopoly of legitimate violence, exercised through the police, the courts, and the colonial administration. The long-term impacts of this change were numerous (Branch & Cheeseman, 2008). Communities increasingly resorted to, or challenged, the state as the final decision-maker on land claims when disagreements emerged in the postcolonial period. The violence re-emerged as a negotiation tool where the state was unable to offer a fair resolution.

The institutions of colonial land violence, therefore, shaped the historical path of continuity rather than discontinuity. Land clashes today cannot be perceived as an act of ethnic hatred spontaneously occurring; it is the end result of the hundred-year-long process of integrating land, power, and violence in the state institutions. The mechanisms by which colonial institutional practices translated into postcolonial political mobilisation are specific and traceable. First, colonial ethnic categorisation through census classification, reserve demarcation, and administrative tribalism hardened fluid community identities into fixed territorial categories linked to land rights. When postcolonial elites mobilised communities around land grievances, they activated these colonial-era territorial identities, making ethnicity appear as the cause of conflict when it was in fact the idiom through which land grievances were expressed (Atieno-Odhiambo, 2004).

Second, the colonial land registry and titling system created a class of legally recognised landowners and a much larger class of unrecognised occupants, a bifurcation that postcolonial politicians exploited by selectively distributing titles as patronage rewards. Klopp (2002) documents this process under both Kenyatta and Moi, showing how title allocation and cancellation were used to punish opposition communities and reward loyalists. Third, the destruction of indigenous conflict resolution institutions left no legitimate alternative forum for adjudicating competing land claims, making political patronage and ultimately violence the primary available mechanism for resolving disputes.

Communities without access to state patronage networks found that violence was their only effective means of pressing land claims, a dynamic Boone (2012) traces systematically across multiple African cases. Elections, rather than being the cause of violence, only provide a time when these underlying tensions are triggered. The political struggles in Kenya are reframed through this approach, historicizing colonial land policy as one form of structural violence. Violence is not something produced by an otherwise stable political order; it is also the repetitive product of institutions created to administer land by exclusion and coercion (Cheeseman, Lynch, & Willis, 2014). Any effort to deal with political violence without dealing with this colonial past is thus bound to be an incomplete and shaky one.

## **Postcolonial Continuity: Land, Patronage, and Electoral Engineering**

In 1963, Kenya experienced a significant political change: independence, yet this was not a structural change in land administration. Instead of destroying the colonial land regime, the postcolonial state passed it on and transformed it into something new. The monopoly of land, the legalisation of title due to occupation, and the alienation of customary tenure had not been abolished. It was not the institutional structure that was transformed, but the people who had the power to shape it. Land was no longer distributed along racial lines; instead, it became a source of political power concentration in an African-dominated state (Cheeseman, 2006). This continuum is the main reason why land-related violence persists in Kenya. The international and domestic constraints determined the settlement of the land issue at the time of independence. The British rulers were resolute in protecting the settlers' property and preventing radical redistribution, which could rock the economic status quo.

Simultaneously, the nationalist leadership was under pressure from the landless Africans who were organising against colonial dispossession. The compromise that emerged was stability rather than justice. Instead of restitution, land redistribution was sought through market-based mechanisms, the best-known of which was the Million Acre Scheme (Brown, 2001). Within this scheme, the old settler land was

bought back, usually through British funds, and resold to African clients.

Although the scheme is generally touted as a consensus for a peaceful transition, it was markedly unequal in its outcomes. The settlement land had to be accessed with the help of capital, creditworthiness, and political ties, which were unevenly distributed. Civil servants, political elites and individuals associated with the ruling Kenya African National Union (KANU) were in a better position to own land in disproportionate amounts. Numerous ex-squatters, Mau Mau survivors, and the displaced population were left out or moved to marginal areas. Colonial inequalities over land were redefined within a new class structure. This pattern was institutionalised in the presidency of Jomo Kenyatta. The distribution of land was a key tool of political patronage, employed to reward loyalty and build a following (Klopp, 2002). The state had retained general powers to adjudicate land, undertake settlement schemes, and issue titles, giving the executive an easy mandate. This favour enabled political elites to acquire large parcels of land, often at the expense of communal land rights and historical claims. The empirical record of elite disproportionate benefit from land allocation under Kenyatta is well-documented.

Haugerud (1995) details how senior KANU officials, civil servants, and members of the Kikuyu political elite acquired large farms in the former White Highlands through the Million Acre Scheme at heavily subsidised rates, while former squatters and Mau Mau fighters who had borne the greatest cost of the anti-colonial struggle over land were largely excluded. Kanyinga (2000) documents that the settlement schemes established between 1961 and 1970 allocated approximately 1.2 million acres, but that access was mediated by political connections rather than need or historical claim, with the landless poor receiving marginal plots on inferior land while politically connected individuals secured the most productive former settler farms. Klopp (2001) further records that under both Kenyatta and Moi, land allocations from the government's own forest reserves and trust lands totalling hundreds of thousands of acres were made to political allies, ministers, and party officials, often through fraudulent title deeds that were later confirmed by compliant courts.

The entrenchment of land and politics under Kenyatta was institutionalised in land governance tailored to each individual. Cases of disputes on land were seldom determined through legal procedures of impartiality, but what mattered was closeness to power. Societies that were considered politically marginal or oppositional had their demands disregarded or even stifled. This discriminatory responsiveness intensified grievances and strengthened the identity that the state was not an impartial referee but a partisan player on land issues (Lonsdale, 2004). These dynamics did not decrease, but increased under Daniel Arap Moi. With mounting political pressure against the Moi regime in the late 1980s and early 1990s, land allocation and land abuse grievances became increasingly central to the Moi regime's efforts to stay in power. The critical turning point was the reintroduction of multiparty politics in 1991. The competition in elections intensified political domination, and land became one of the main battlefields.

The so-called land clashes of the 1990s were not spontaneous outbreaks of ethnic hatred but well-planned moments of violence. In other parts, like the Rift Valley and Coast, violence went hand in hand with the electoral process, especially during the 1992 and 1997 elections. Societies that were seen as supporters of opposition were also displaced, intimidated, and their property destroyed. The violence had many political purposes: it undermined the opposition's strongholds, shifted the electoral demographic landscape, or strengthened the loyalty of popular groups. The state's involvement in these conflicts manifested itself both directly and indirectly (Boone, 2012). The security forces were often unable to intervene before violence occurred. Attackers were rarely prosecuted, which helped cultivate a culture of impunity. There are instances when local administrators and politicians were involved directly in the instigation or arrangement of violence. Elite political calculations in the orchestration and timing of violence were deeply mobilising and predominantly based on the grievances of the land. These wars were framed as ethnic clashes, thereby obscuring their structural bases. Ethnicity was the expression of grievances over land through language, but not the cause. What was more problematic was the

institutionalisation of the exclusion and politicisation of land access. The communities rallied around ethnic identities because they were historically linked to territory, citizenship, and rights under colonial and postcolonial forms of governance (Kanyinga, 2000).

Notably, land disputes in the postcolonial state were also handled in ways that further diminished belief in the formal institutions. Courts were either slow, inaccessible, or seen as biased. Corruption, the allocation of land twice and fraudulent titles afflicted the land registries. There was a lack of transparency and accountability in administrative adjudication processes. Consequently, in most cases, communities found violence to be an effective tool for claiming or protecting access to land. These problems were not solved by political liberalisation; they were revealed. The multilateral competition heightened the salience of land because political representation was directly tied to land ownership. The political battle was intense in the electoral constituencies, and the demographic makeup could count the political results. Electoral engineering, by direct violence or intimidation, was the new tool. There was an obliteration of the line between political rivalry and compulsion. The fact that the dynamics persisted well into the early 2000s highlights the level of institutional continuity. The basic association between land and power remained unchanged regardless of changes in leadership and rhetoric. Reform programs on land were often declared, but seldom acted on in a manner that posed a threat to the elite (Southall, 2009). Commissions of inquiry have recorded past atrocities, but they lacked enforcement procedures. The state admitted the land problem verbally but did not introduce structural change.

The accrued weight of land grievances at the time of the 2007 general election had become critical. The years of marginalisation, displacement, and impunity had resulted in an unstable political situation. It was triggered by electoral competition, but it had historical roots. The violence that followed was not a one-time incident but the completion of the long-running processes based on the dispossession under colonisation and the state practice under postcolonialism. The theory of postcolonial Kenya as a place of continuity rather than rupture opposes the prevailing framework of democratisation and reform.

It displays the possibility of formal political change existing in a state of structural persistence. What makes land still central is not necessarily the cultural attachment but the fact that it is the major means of negotiating power, belonging and survival itself (Klopp, 2001). The policy prescriptions are also not easy due to this historical perspective. Technical land reforms, though needed, cannot fend off the political incentives that perpetuate exclusion and violence. So long as land distribution is a part of patronage and election rigging, the cycles of violence are bound to recur. The solution to this cycle cannot be realised solely through law reform, but also through a radical restructuring of the relations between land, citizenship, and the state.

## **The 2007/08 Post-Election Violence and the Limits of Reform**

The post-election violence (PEV) of 2007/08 is the most blatant and terrible expression of Kenya's historical land-based political bloodshed. Although the violence was horrifying to international observers who are used to thinking of Kenya as a fortress of sanity in an unstable region, it was not a result of a political vacuum. Instead, the crisis was a product of historical processes initiated in the colonial era and replicated in the postcolonial ruling order. The interpretation of the violence of 2007/08 as an electoral conflict or an eruption of ethnic hatred is to read the causes of the violence as well as the consequences of the violence (Branch, 2011). The PEV rather has to be placed in a *longue duree* study of the land dispossession, institutionalised exclusion, and the instrumentalisation of violence by political elites. The violence was triggered immediately by the contentious presidential election between the sitting president, Mwai Kibaki and the opposition candidate, Raila Odinga. The electoral fraud allegation, the time lag in vote tallying, and the questionable declaration of Kibaki as the victor created a legitimacy crisis. But it is not elections that cause mass violence; elections are occasions when underlying grievances are triggered. The rate and magnitude at which violence became widespread in the country show that fault lines were already in place and mobilised, not created in 2007 (Lynch, 2008).

The geographical distribution of the violence was highly uneven, with violence concentrated in areas

with old land scorecards, especially the Rift Valley, parts of Western Kenya and Nyanza, informal settlements in Nairobi, and the Coast. These did not occur without cause but were historically heated spaces through which colonial displacement, postcolonial settlement policies, and years of disputed belonging had been formed. Violence is found in a geographical concentration in the patterns of unresolved land claims, which define the centrality of land in organising political conflict. Violence in the Rift Valley was closely intertwined with conflicting accounts of the indigenous people and settlement. Settlement schemes, including post-independence schemes and private purchases, led to communities being labelled outsiders and targeted for eviction by the government (Mueller, 2011). Although the attackers usually justified their activities on ethnic grounds, the real motives were territorial and political. Violence was used to reverse the historical results of land redistribution, as well as redefine the demographic balance of voters. Displacement was not created by collateral damage, but was a strategic goal.

These complaints can be traced to the colonial period, when vast tracts of the Rift Valley were expropriated to settle in large blocks of land, which were then redistributed to benefit politically allied parties. Settlement schemes made possible by post-independence administrations, especially under Kenyatta, gave land-hungry populations an easy way to move into those territories, without settling historical claims. The weaknesses of successive governments were their inability to provide clear, legitimate structures to resolve competing claims, which fostered resentment. By 2007, these complaints had developed deep-rooted political consciousness among locals (Mueller, 2008). The political elites helped make land grievances decisive during the election period. Historical injustice became an often-exploited tool in campaign rhetoric, and land ownership and belonging became a referendum in the election. Although not all the leaders openly demanded violence, their rhetoric provided conducive grounds for violent mobilisation. Local politicians, brokers, and youth leaders applied national-level articulations into localised action messages, and they usually promised land restitution or protection in return.

The structure of violence also portrays its political nature. In most regions, attacks were orchestrated, premeditated, and planned to meet political progression. The roadblocks were established to distinguish and drive out perceived non-belongers. Destruction of homes and businesses was done selectively, with others being spared. This pattern indicates planned rather than spontaneous anger (Cheeseman, 2008). Violence was used as a political communication tool and as an indicator of territory and political power. The state's response to the violence was off-balance-sheet and covert most of the time. Security agencies failed to respond swiftly in some regions and were overly aggressive in others. Police violence in opposition strongholds also led to the loss of lives, especially when protesting against the outcome of the elections. In areas where anti-government militia groups were active, the security forces' inability to take decisive action cast doubt on the political response to the issue (Dercon & Gutiérrez-Romero, 2012). The discriminatory use of force only strengthened the belief that the state was not a neutral enforcer of security but a party.

The humanitarian effects of the violence were very deplorable. More than 1,100 individuals were murdered, and more than 600,000 were displaced. Internally displaced people (IDPs) experienced long-term insecurity, the lack of proper help, and the uncertain outlook of having their relatives come back or return (CIPEV, 2008). The forced movement only exacerbated existing vulnerabilities, cutting off livelihoods and social connections. To a great number of people, the violence was not only a political crisis but a deep break in their connection with the state. Removal also had long-term political connotations. Violence transformed electoral boundaries and reinforced territorially defined ideas of belonging by altering demographic trends. The return process was tense, and in some instances it was even discouraged (Boone, 2012). The inability to ensure a safe, voluntary, and dignified return indicated that the state failed to address, or refused to address, the underlying causes of displacement. This also created further suspicion of state institutions. The crisis was the post-election that initiated massive domestic and foreign intervention. Kofi Annan chaired the mediation process that led to the National Accord and Reconciliation Act, which established a power-sharing government and a reform

agenda. Although the accord managed to end the bloodshed, it prioritised political stability over accountability. The long-term effects of this trade-off would have been on the credibility of reform efforts (International Crisis Group, 2008).

Among the greatest consequences of the crisis was the revitalised land reform. Both the Commission of Inquiry into Post-Election Violence (CIPEV) and the Truth, Justice and Reconciliation Commission (TJRC) found that land grievances were major causes of conflict. This conclusion supported longstanding academic debates over the land issue but did not fundamentally change political motivations. Of the CIPEV recommendations, some were implemented — notably the establishment of the National Land Commission under the 2010 Constitution and the inclusion of historical land injustices as a constitutional category, while others were substantially ignored. Recommendations on prosecuting perpetrators of electoral land violence were largely disregarded, as were those calling for the restitution of specific displaced communities. The TJRC (2013) similarly found that most of its reparations and accountability recommendations remained unimplemented five years after publication.

Southall (2009) documents this pattern of selective, performative reform, in which the state acknowledged land grievances rhetorically while protecting the patronage arrangements that perpetuated them. Implementation was uneven: while some structural reforms were achieved through the 2010 Constitution, critical accountability and reparations recommendations were not acted upon (Southall, 2009). The promulgation of the 2010 Constitution has created a watershed in Kenyan legal and political history. The Constitution recognised historical land injustices and established new institutions to address them, including the National Land Commission (NLC) (Branch, 2011). It aimed to uncouple land from executive power by decentralising influence and power across various institutions and by introducing the concepts of equity, openness, and people's involvement.

These reforms, on paper, represented a major deviation from past experience. The NLC was required to research historical wrongs, administer state

property and prescribe reparations. Devolution was meant to reduce the distance between decisions made in the central government and the local communities, who could have been easily excluded by patronage. These developments brought optimism that the structural causes of land-based violence could at last be addressed (Republic of Kenya, 2010). The execution of these reforms, however, has come with its challenges. There was institutional rivalry between the NLC and the Ministry of Lands, which compromised effectiveness and coherence. Political interference meant the NLC was not free to handle politically sensitive cases, as it was constrained by its autonomy. Historical injustices were investigated gradually, and their proposals were frequently disputed or disregarded. The disparity between the constitutional promise and political reality remained significant (TJRC, 2013).

In addition, land reform initiatives were still run under legal and bureaucracy that were a legacy of the colonial years. Title-based systems favoured those with existing documentation and disregarded communities whose claims were based on historical occupancy rather than documentation. Efforts to redress historical injustices through administrative means were dangerous, as they risked recreating the exclusions they sought to rectify. Reform was also curtailed by the elite's continued resistance. Land is a vital resource for political and economic accumulation, and attempts to redistribute or reassign land are dangerous to vested interests. This led to the watering down of reforms, their postponement, or cherry-picking (National Land Commission, 2017). Such a tendency is an indication of a broader issue under postcolonial rule: the inability to undertake radical change within a framework in which political survival is pegged to access to patronage resources. The post-2010 era has not seen the full restoration of the violence that was experienced in 2007/08, but neither has it been a total break with the past. The elections are still accompanied by localised violence, displacement and tension (Manji, 2015). Issues of land grievances remain relevant in political debate, especially in places where historical claims have yet to be addressed. The absence of massive violence must not be confused with the solution of underlying conflicts.

More importantly, post-2008 Kenya peace has been framed in a way that emphasises coexistence and reconciliation over material inequalities. Dialogue, civic education, and early warning (of conflict) are critical but inadequate peacebuilding efforts. Such initiatives will risk addressing only the symptoms, not the causes, unless land relations are radically changed. Violence can be postponed, but the circumstances that render it politically expedient exist. The 2007/08 PEV is therefore a summary and caution. It shows how historical resentments, structural failures, and elite manipulation can combine to bring violence to the masses (Boone & Nyeme, 2015). Meanwhile, it reveals the extent of the reform efforts that are more concerned with stability than justice. The inability to prosecute offenders, especially officials, has strengthened the culture of impunity, thereby weakening deterrence.

Analytically, the PEV confirms the gist of this paper, which holds that political violence in Kenya is not an anomaly that arose due to ethnic hatred, but a historically generated phenomenon that is based on land dispossession and state practice (Boone, Dyzenhaus, & Manji, 2019). It is not the elections that cause it. The violence arises from the combination of land grievances, political competition, and inadequate institutions. This interpretation has some significant implications for the scholarship and policy. It asserts against reductionist explanations, which blame cultural or ethnic issues for the cause of African political violence and points to historical political economy. It also questions technocratic land reforms that fail to address power relations (Klopp & Lumumba, 2017). Violence cannot be adequately addressed without legal reform, but rather through a reworking of the bonds among land, citizenship, and the state. Thus, the crisis of 2007/08 highlights the threats of unheard historical injustice. So long as land is an arena of exclusion and a means of political control, there is the danger of violence. The question facing Kenya is not to ensure that violence does not occur in future, but it is to destroy the institutions that perpetrate violence as a viable political option (Branch, 2018).

The 2007/08 crisis thus confirms the central argument of this paper in its most acute form. The violence was not caused by elections, ethnicity, or momentary

political failure it was the predictable culmination of a structural process traced throughout this analysis: colonial land dispossession created durable grievances; postcolonial patronage systems reproduced and politicized those grievances; the destruction of communal conflict resolution mechanisms left violence as the primary available remedy; and the failure to prosecute perpetrators of previous land clashes institutionalized impunity as a rational calculation for political actors. The geographical concentration of violence in historically dispossessed regions, the selective and organised nature of attacks, and the demographic engineering through displacement all confirm that land, not ethnicity, was the organising logic. Any analytical framework that treats 2007/08 primarily as an electoral or ethnic crisis misreads both the event and its causes, thereby missing the structural reforms that would prevent its recurrence.

## CONCLUSION AND RECOMMENDATIONS

**Conclusion:** This paper has demonstrated that political violence in Kenya has to be perceived as a historical tradition founded on land dispossession and the institutional cultures of the state, and not as a series of sporadic outbursts of ethnic hostility or electoral malpractice. Through the history of land relations in the pre-colonial era, colonialism, and the postcolonial state, the analysis shows that violence has been continuously integrated into land governance systems. The Post-Election Violence of 2007/08, which is usually discussed as a singular break, is in fact the most apparent result of structural processes that unfolded over an extended period. The pre-colonial societies in Kenya did not pass without conflict, but violence was socially controlled within a restricted scope and tied to a system of negotiation and reconciliation. This balance was completely changed by the colonial rule. The colonial state turned land into a property of subjective possession through legal dispossession, spatial segregation and racialization of land access, which is coercively imposed. Violence was institutionalised, made normal and in the middle of the state power. Notably, these institutions were not abolished at independence; they were passed along and re-institutionalised.

The postcolonial states continued to have a centralised land allocation system and used it as a

political patronage system. Settlement schemes, title apportionment, and administrative adjudication replicated exclusion, creating new inequalities. These dynamics were aggravated by the reintroduction of multiparty politics, which made the political competition directly dependent on territorial control. Violence in this case was a tool of strategy; it was employed to clear populations, reorganise electorates, and gain political advantage. The clashes of the 1990s and the violence of 2007/08 were not exceptions to the rule but manifestations of this logic. The 2007/08 crisis highlights the risks of unaccounted past misdeeds. The immediate catalyst was elections, but the rapid mobilisation of violence indicated deeper grievances rooted in land, belonging, and citizenship. Displacement also served as a political strategy, materialising and reinforcing territorialised ideas of inclusion and exclusion. The state's biased response and the lack of accountability only contributed to perceptions of favouritism and impunity.

The crisis prompted normative change through a reform agenda that culminated in the 2010 Constitution. Historical land injustices and the formation of the National Land Commission were indicators of an effort to decouple land from executive authority and to address the structural causes of the conflict. However, as this paper has demonstrated, the effects of these reforms have been limited by institutional rivalries, political opposition, and the persistence of colonial legal systems. The title-based systems still serve to favour people who are already acknowledged by the state, whereas the communities whose claims are rooted in historical occupation are still disenfranchised. The case of Kenya, therefore, provides a broader perspective on the analysis of political violence in post-colonial states. It shows how violence does not always end due to the existence of weak institutions, but institutions perpetuate exclusion. It also warns against explanations which point to violence in cultural or ethnic differences. In Kenya, ethnicity is a mobilising idiom, that is, a language in which grievances are expressed, but not the source of the problems. The historical factors of dispossession, unequal land access and the strategic application of violence in competitive politics are the underlying drivers.

For scholars, this analysis underscores the significance of historicizing political violence and of focusing on land as a hub of power. To policymakers and practitioners, it indicates that peacebuilding efforts that rely solely on dialogue, early warning, or electoral management are unlikely to yield sustainable results unless there is a significant change in land governance. Any stability that is brought about without justice is not very stable. Finally, in Kenya, the land-related violence persists due to a lack of decolonisation of the state. And so long as land is an instrument of political goodwill and not a right based on reasonable and just rule, violence will be a logical, albeit destructive, policy choice. To stop this cycle, social and political changes should challenge the historical premises of exclusion and redefine the connection between land, citizenship, and state power. Up to this point, the continuum of violence identified in this paper shall remain a permanent feature of the Kenyan political terrain unless the structural conditions that generate it are fundamentally transformed.

**Recommendations:** Based on the analysis presented in this study, the following institutional, legal, and governance reforms are recommended to address the structural drivers of land-based political violence in Kenya.

First, the National Land Commission (NLC) must be granted full operational independence, with a dedicated budget and a clear statutory mandate to investigate and adjudicate historical land injustices within defined time frames. The current pattern of executive interference and inter-agency rivalry between the NLC and the Ministry of Lands must be resolved through legislative clarification of jurisdictional boundaries. Independent oversight mechanisms, including civil society monitoring and parliamentary accountability, should be institutionalised to guard against political capture of the commission's processes.

Second, Kenya's land titling and registration system must be reformed to recognise customary and historical occupancy as valid grounds for land rights, rather than merely as formal documentation. Title-based systems inherited from the colonial era systematically exclude communities whose land claims are rooted in long-term habitual use rather than

registered ownership. Legislative reforms to the Land Registration Act and the Community Land Act should be fast-tracked to ensure equitable recognition of diverse tenure systems, including communal, pastoral, and customary land arrangements.

Third, Kenya must establish a reparations framework for communities displaced during colonial land alienation and the politically instigated clashes of the 1990s and 2007/08. The TJRC (2013) recommendations on reparation, resettlement, and restitution remain largely unimplemented. A time-bound reparations programme, with dedicated funding and transparent eligibility criteria, would address outstanding grievances and reduce their susceptibility to political manipulation during electoral cycles.

Fourth, local alternative dispute resolution (ADR) mechanisms for land conflicts should be formally institutionalised and funded under the devolved county government structure. County-level land tribunals, incorporating traditional governance structures where culturally appropriate, would provide accessible, community-owned forums for land dispute resolution that reduce dependence on central state institutions historically seen as partisan.

Fifth, accountability for land-related political violence must be strengthened through the prosecution of perpetrators, including political elites who orchestrated violence for electoral gain. The culture of impunity that has characterised land clashes since the 1990s, which has been reinforced by the failure to

prosecute most perpetrators of the 2007/08 PEV, must be decisively broken. The Director of Public Prosecutions and the judiciary should be empowered and resourced to pursue such cases without political interference.

## Future Research Directions

Several important questions remain for future scholarly investigation. First, comparative research is needed to assess how analogous colonial land tenure regimes in Tanzania, Zimbabwe, South Africa, and Uganda have generated similar or different postcolonial violence trajectories, thereby helping distinguish Kenya-specific institutional features from generalizable postcolonial patterns. Second, the post-2010 devolution framework represents a potentially significant institutional rupture that warrants dedicated empirical study: have county-level governance structures altered the political economy of land allocation in ways that reduce the incentives for electoral land violence? Third, the gendered dimensions of land dispossession, particularly how women's exclusion from formal land rights intersects with political violence and displacement, represent a major gap in the existing literature that this study has not fully addressed. Fourth, the role of digital technology and social media in accelerating the mobilisation of land-based grievances during electoral cycles, as observed in 2017, merits systematic investigation as a new variable in the established historical framework.

## REFERENCES

- Acemoglu, D., & Robinson, J. (2012). *Why nations fail*. New York, NY: Crown.
- Ajulu, R. (2002). Politicized ethnicity. *African Studies Review*, 45(3), 123–143. <https://doi.org/10.1080/0002018022000032947>
- Atieno-Odhiambo, E. S. (2004). Hegemonic enterprises. *African Studies Review*, 47(1), 1–23. <https://doi.org/10.1080/0002018022000032938a>
- Berman, B. (1990). *Control and crisis in colonial Kenya*. London, UK: James Currey.
- Berman, B., & Lonsdale, J. (1992). *Unhappy valley: Conflict in Kenya and Africa*. London, UK: James Currey.
- Berry, S. (1993). *No condition is permanent*. Madison, WI: University of Wisconsin Press.
- Boone, C. (2012). *Property and political order in Africa: Land rights and the structure of politics*. Cambridge, UK: Cambridge University Press.
- Boone, C. (2014). Land regimes and the politics of belonging. *Africa*, 84(1), 1–25. <https://doi.org/10.1017/S0001972012000770>
- Boone, C. (2018). Land institutions and conflict in Africa. *Comparative Politics*, 50(4), 445–465. <https://doi.org/10.1017/9781316562888.003>

- Boone, C., & Nyeme, L. (2015). Land institutions and reform. *World Development*, 78, 129–143. <https://doi.org/10.5129/001041515816075123>
- Boone, C., Dyzenhaus, A., & Manji, A. (2019). Land law reform. *Journal of Development Studies*, 55(6), 1101–1119. <https://doi.org/10.1093/afraf/ady053>
- Branch, D. (2011). *Kenya: Between hope and despair, 1963–2011*. New Haven, CT: Yale University Press.
- Branch, D. (2018). *Political violence in Kenya*. Oxford, UK: Oxford University Press.
- Branch, D., & Cheeseman, N. (2008). Democratization, sequencing, and state failure in Africa. *African Affairs*, 107(426), 1–26. <https://doi.org/10.1093/afraf/adn065>
- Brown, S. (2001). Authoritarian leaders and multiparty elections in Africa. *Third World Quarterly*, 22(5), 725–739. <https://www.jstor.org/stable/3993672>
- Cheeseman, N. (2006). Political linkages among Kenyan elites. *African Affairs*, 105(420), 533–555. <https://doi.org/10.1353/at.2006.0071>
- Cheeseman, N. (2008). The Kenyan elections of 2007. *Journal of Eastern African Studies*, 2(2), 166–184. <https://doi.org/10.1080/17531050802058286>
- Cheeseman, N., Lynch, G., & Willis, J. (2014). Democracy and its discontents: Understanding Kenya's 2013 elections. *Journal of Eastern African Studies*, 8(1), 2–24. <https://doi.org/10.1002/jid.3057>
- CIPEV. (2008). *Report of the Commission of Inquiry into Post-Election Violence*. Nairobi, Kenya: Government Printer.
- Cooper, F. (2002). *Africa since 1940: The past of the present*. Cambridge, UK: Cambridge University Press.
- Dercon, S., & Gutiérrez-Romero, R. (2012). Triggers and violence. *Journal of Peace Research*, 49(4), 617–631. <https://doi.org/10.1016/j.worlddev.2011.09.015>
- Elkins, C. (2005). *Imperial reckoning: The untold story of Britain's gulag in Kenya*. New York, NY: Henry Holt.
- Guyer, J. (1995). Wealth in people. *Journal of African History*, 36(1), 83–90. <https://doi.org/10.1017/S0021853700026980>
- Haugerud, A. (1995). *The culture of politics in modern Kenya*. Cambridge, UK: Cambridge University Press.
- Herbst, J. (2000). *States and power in Africa*. Princeton, NJ: Princeton University Press.
- Human Rights Watch. (2008). *Ballots to bullets*. New York, NY: HRW.
- Ilfie, J. (1995). *Africans: The history of a continent*. Cambridge, UK: Cambridge University Press.
- International Crisis Group. (2008). *Kenya in crisis*. Brussels, Belgium: ICG.
- Kanyinga, K. (2000). *Re-distribution from above*. Uppsala, Sweden: Nordiska Afrikainstitutet.
- Kanyinga, K. (2009). The legacy of the White Highlands. *Journal of Contemporary African Studies*, 27(3), 325–344. <https://doi.org/10.1080/02589000903154834>
- Klopp, J. (2001). Electoral despotism in Kenya. *Africa Today*, 47(3–4), 3–24. [https://www.columbia.edu/~jk2002/publications/klopp\\_phdthesis.pdf](https://www.columbia.edu/~jk2002/publications/klopp_phdthesis.pdf)
- Klopp, J. (2002). Can moral ethnicity trump political tribalism? *African Studies*, 61(2), 269–294. <https://doi.org/10.1080/0002018022000032956>
- Klopp, J., & Lumumba, O. (2017). Kenya's land question. *African Studies Quarterly*, 16(3). <https://doi.org/10.1080/03056244.2017.1367919>
- Kopytoff, I. (1987). *The African frontier*. Bloomington, IN: Indiana University Press.
- Lonsdale, J. (1994). Moral ethnicity and political tribalism. In P. Kaarsholm & J. Hultin (Eds.), *Inventions and boundaries: Historical and anthropological approaches to the study of ethnicity and nationalism* (pp. 131–150). Roskilde, Denmark: Institute for Development Studies.
- Lynch, G. (2008). Courting the Kalenjin vote. *African Affairs*, 107(429), 541–559. <https://doi.org/10.1080/17531055.2013.844438>
- Mamdani, M. (1996). *Citizen and subject*. Princeton, NJ: Princeton University Press.
- Mamdani, M. (2001). Beyond settler and native. *Journal of African History*, 42(4), 651–664. <https://shorturl.at/NhiBG>
- Manji, A. (2015). The politics of land reform in Kenya. *Journal of Modern African Studies*, 53(4), 601–626. <https://shorturl.at/lunnC>

- Mbembe, A. (2001). *On the postcolony*. Berkeley, CA: University of California Press.
- Mueller, S. (2008). The political economy of Kenya's crisis. *Journal of Eastern African Studies*, 2(2), 185–210.  
<https://doi.org/10.1080/17531050802058302>
- Mueller, S. (2011). Dying to win. *Journal of Contemporary African Studies*, 29(1), 99–117.  
<https://doi.org/10.1080/02589001.2011.537056>
- National Land Commission. (2017). *Historical land injustices report*. Nairobi, Kenya.
- North, D. (1990). *Institutions, institutional change and economic performance*. Cambridge, UK: Cambridge University Press.
- Republic of Kenya. (2010). *The Constitution of Kenya*. Nairobi, Kenya.  
[https://www.parliament.go.ke/sites/default/files/2017-05/The\\_Constitution\\_of\\_Kenya\\_2010.pdf](https://www.parliament.go.ke/sites/default/files/2017-05/The_Constitution_of_Kenya_2010.pdf)
- Southall, R. (2009). Violence in Kenya. *Review of African Political Economy*, 36(120), 451–469.
- Spears, I. (1997). *African boundaries*. Trenton, NJ: Red Sea Press.
- Tilly, C. (2003). *The politics of collective violence*. Cambridge, UK: Cambridge University Press.
- TJRC. (2013). *Truth, Justice and Reconciliation Commission report*. Nairobi, Kenya.
- Weber, M. (1978). *Economy and society*. Berkeley, CA: University of California Press.
- Widner, J. (1992). *The rise of a party-state in Kenya*. Berkeley, CA: University of California Press.  
<http://ark.cdlib.org/ark:/13030/ft9h4nb6fv/>