

# Evaluating the Impact of Land Reports in Documenting and Addressing Historical Land Injustices in Saboti Sub-County, Trans Nzoia County, Kenya.

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## ABSTRACT

Land governance and administration has continued to be a topic of constant interest within public policy and academic studies. Contrary to legal and policy framework put in place, there are significant challenges related to historical land injustices ranging from inequitable land distribution, land resettlement problems, insecure land ownership, increased poverty, squatter living conditions amongst other challenges. This study analyzed impact of land reports in documenting historical land injustices in Saboti Sub-County, Trans Nzoia County, Kenya. The study used triangulation on both data sets, methods and theory. The target population for the study was 47,603 households and 80 key informants drawn from a cosmopolitan Saboti Sub-County. A sample size of 381 households and 24 key informants were identified for the study. The study collected both quantitative and qualitative data for analysis. Quantitative data analyses were done using descriptive statistics; Qualitative data analyses were done using thematic analysis. Ethical standards were adhered to throughout the study. The findings of the study established that there was a very significant, positive and strong correlation between impact of land reports in documenting and addressing historical land injustices with a correlation ( $r=0.989^{**}$ ;  $P$ -value of .000). The study established that, all efforts towards addressing historical land injustices depends on strong government commitment to rectify these injustices generally. This study recommends comparative studies across multiple sub-counties or counties in Kenya to assess the effectiveness of land use policy in addressing historical land injustices.

**Key words:** Historical Land Injustices, Land Reports, Land Use Policy, National Land Commission, Land Reforms, Land Policy Framework, Colonial Land Policies, Land Conflicts, Land Economy, Land Governance, Saboti Sub county

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## I. Introduction

According to Nyaura (2018), land governance remains a highly discussed topic among policymakers and academics. Reforming National Land Policies has been a highly contested topic given the complex and multilayered nature of land-related conflicts. This complex nature of land has prompted debates on reforming national land policies, making land governance a focal point in policy and academic discussions (Onguny, & Gillies, 2019). Land resources are scarce and conflicts may arise out of the competition for ownership and use (Achiba & Lengoiboni, 2020). Globally, land-related conflicts have far-reaching social implications, encompassing deaths, tensions, and displacements, all of which adversely impact social cohesion (Enemark, 2019). Despite globally joined efforts to address land related conflicts, historical injustices, unlawful evictions and insecure land tenure continue to persist, contributing to global challenges in land management, including inequality, corruption and displacements (Mabikke, 2016).

In Africa, and in particular, a study by Akinola (2020), established that South Africa's history is riddled with land dispossessions during colonialism and apartheid, and the post-apartheid dispensation is characterized with land inequality, hunger and conflict. The root of this inequality is commonly traced to the history of land dispossession, a problem that the post-apartheid state has struggled to solve through the developing of an effective land reform programme that could address the crosscutting demands for land redistribution. The colonial period marked significant upheaval in land ownership and use. Following the Berlin Conference of 1885, British rule was formally established in 1895, beginning with the declaration of a protectorate over several regions like south Africa and what is now modern Kenya (Karari, 2018). This era saw the Crown's Land Ordinance of 1915 redefine Crown land to include areas occupied by native tribes, leading to widespread dispossession (Matende-Omwoma, 2018). When Kenya transitioned to a colony in 1920, the British government intensified its control over land, through legal frameworks like the Crown Lands Ordinance (Musyoki, 2016).

Kenya's land law reform from the adoption of the National Land Policy in 2009 provides clear evidence to long-standing popular demands for reforms in land law and administration (Boone *et al.*, 2019). The National Land Policy in 2009, a new constitution in 2010 contained important progressive land clauses, and the Land Acts of 2012 that were supposed to bring the constitution's land provisions to life (Di Matteo, 2017). The core of these reforms was the establishment of a National Land Commission (NLC), designed to function as an independent regulatory body, free from partisan politics and autonomous from the executive and the political elite (Boone *et al.*, 2019). Despite recent land sector reforms and the adoption of a new constitution in 2010, the persistence of the squatter institution in Kenya, inherited from colonial administration, poses a significant challenge to the nation, with unequal access to land persisting (Shanguhya, 2022).

The government being the major player on issues pertaining land administration, is mandated to oversee the implementation of the 2010 Constitution and supported by legislative acts like land Act of 2012, facilitated delays in addressing historical land injustices until 2016 awaiting land policy changes (Okeyo, 2021). The delay called for comprehensive land law reforms, due to the fact that the existing land policies were largely ineffective, resulting in further injustices against Kenyans (Davies *et al.*, 2020). According to Wambua (2021), unresolved historical injustices remain significant constraints in Kenya's pursuit of transitional justice and effective conflict transformation. Mukoya's (2015) research on Endebess Sub-County in Trans-Nzoia County underscored the prevalence of Historical land injustices, inequitable resource distribution, land resettlement issues, and insecure land ownership. These issues underscored the need for further research to understand the effectiveness of National Land Use Policy in addressing historical land injustices in Saboti Sub-County, Trans-Nzoia County, Kenya.

### **1.2 Statement of the Problem.**

The context of land ownership in Kenya is complex, multilayered, and characterized by historical land injustices, including forced displacement and evictions from their ancestral land, the legacies of colonial administration. Numerous land reports and studies have highlighted the persistence of inequitable land distribution, problems with land resettlement, insecure land ownership, increased poverty, and squatter living conditions. Despite legal and policy framework put in place, the community in Saboti Sub-County, a former reserve for white settlers, continue to face significant challenges related to historical land injustices.

Different studies have shown the extent and effects of historical land injustices but with a notable dearth of information on how the land policies already put in place had addressed these land injustices. The current study sought to address this research gap by analyzing impact of land reports in documenting historical land injustices, in addressing Historical Land Injustices in Saboti Sub-County, Trans Nzoia County, Kenya.

### **1.3 General Objective of the Study.**

To evaluate the impact of land reports in documenting historical land injustices in Saboti Sub-County, Trans Nzoia County, Kenya.

### **1.4 Research Question of the study**

What is the impact of land reports in documenting historical land injustices in Saboti Sub-County, Trans Nzoia County, Kenya?

## II. Literature Review

### 2.1 The impact of Land Reports in Documenting Historical Land Injustices.

Land reports have been crucial in addressing historical land injustices by analyzing issues, providing conflict resolution recommendations, and informing policy decisions. (Collins & Mitchell, 2018). These reports acknowledge and validate affected communities' experiences, serving as historical records of land disputes. (Atuahene, 2014). Globally, Guereña's (2016) Oxfam report, "Unearthed: Land, Power, and Inequality in Latin America," highlighted the failure of Latin American countries to ensure fair land governance, leading to wealth consolidation among elites and large corporations. The report also noted the dominance of "super farms," especially in Colombia, Paraguay, and Chile, which exacerbated land inequality. It emphasized escalating land disputes and violence against indigenous peoples and peasant communities, contributing to significant human rights abuses. Barkat and Suhrawardy's (2019) report on land conflicts in Bangladesh and Cambodia highlighted key factors: historical injustices, unequal land distribution, ineffective reforms, statutory vs. customary tenure clashes, state land misappropriation, and human rights violations among vulnerable groups. Despite land reforms, a lack of political will hindered effective implementation.

Land management in Africa faces significant challenges. Kalabamu (2019) highlighted in "Land Tenure Reforms and the Persistence of Land Conflicts in Sub-Saharan Africa" that those historical land complexities and land governance shifts have shaped the region's land issues. Land redistribution programs in nations like Namibia, South Africa, and Zimbabwe aimed to correct colonial imbalances, driven by more than just equality and social justice. De Villiers et al. (2019) found that Namibia's land governance is influenced by various land tenure systems, affecting institutions, legislation, dispute resolution, and land management. Weaknesses in customary land rights and illegal land markets further complicated governance, particularly in communal areas.

In 1932, the Carter Commission in Kenya addressed land conflicts between Africans and European settlers, prioritizing African interests but also ensuring legal protection for European interests. The Commission defined land boundaries, designating the White Highlands for settlers and reserves for Africans (Njuguna, 2019). The commission recommended granting Africans more land while also advising on adopting better farming methods and consolidating fragmented land holdings (Helliker *et al.*, 2021). Unfortunately, these recommendations failed to bring about significant change, and Africans continued to experience discrimination, which ultimately led to the Mau Mau uprising in the 1950s (Van der Bijl, 2017).

The Njonjo Land Commission, also known as the Commission into the Inquiry into Land Law Systems, was tasked with developing a new National Land Policy framework and land registration policy. (Mulevu, 2017). The commission recommended creating the National Land Authority (NLA) to formulate and administer land policies at the national level, alongside an independent District Land Authority. (Sahide & Giessen, 2015). A major issue was the failure of public authorities to follow the law, leading to land disputes. The Ministry of Land and Resettlement was criticized for lacking resources and determination, and the commission was disbanded shortly after presenting its report to President Moi (Kabue, 2018).

The Ndung'u Land Commission was formed to probe illicit and irregular allocation of public land in Kenya and suggest remedies (Ileri, 2021). The commission found that past governments, including those led by Jomo Kenyatta and Moi, appropriated land from settlers for political gain, with most of the wrongdoing committed by state officials (Simotwo, 2021). The commission recommended creating a National Land Commission for public land allocation and a Land Titles Tribunal to handle illegal land acquisitions (Kenya Human Rights Commission, 2018). Titles obtained against the public interest should be nullified through legal means (Maina, 2015). The President alone had the authority to act on the land report in Kenya, leaving the courts unable to shape or enforce national policy. This led to limited implementation of the Ndung'u Report (Boone et al., 2019).

The Truth, Justice, and Reconciliation Commission (TJRC) was established with a mandate to investigate historical injustices and propose necessary reforms. The report identified the land tenure system as one of the key issues causing problems in Kenya (Okowa, 2021). According to Manji (2020), the implementation of the report's recommendations and their incorporation into Kenya's land laws fell short of the redistributive and transformative land reform envisioned in the National Land Policy and the constitution. Additionally, a study by Onguny (2020), the report established issues of land grabbing, disputed ownership, mismanagement of land registries, fake land documents, corruption in the ministry of lands and land offices.

## 2.2 Theoretical Framework for the Study.

### 2.2.1 Max Horkheimer Critical theory (1937).

According to Burns (2012), Max Horkheimer Critical theory (1937) is an approach that disrupts the status quo by empowering historically oppressed and marginalized groups through research to realize their full human potential. Using critical theory as the guiding framework, this study aimed to challenge the status quo by shedding light on the systemic inequalities and injustices faced by historically oppressed and marginalized communities in the region. The research focused on how Land Reports served as a tool for providing a detailed record of past grievances on land rights. By analyzing the data from Land Reports, the research sought to disrupt existing power dynamics and promote social justice, ensuring that all individuals in Saboti Sub-County could realize their full human potential. This approach underscored the necessity of addressing historical injustices to foster a more inclusive and fair society.

## III. Research Methodology

In this study, a mixed methods approach was adopted, an approach that combined both qualitative and quantitative data collection and analysis methods, enabling a thorough triangulation of data. The study site chosen for this research was Saboti Sub-County, located in Trans-Nzoia County, within the Rift Valley region of Kenya. Saboti Sub-County was selected because of its cosmopolitan nature and it houses the complex socio-economic and political dynamics associated with land-related challenges, serving as a microcosm for the broader issues faced throughout the country.

### 3.1 Target population

The target population for that study comprised 47,603 households' representatives residing in Saboti sub-County. The proportional distribution of the population as per the wards was as shown below;

**Table 3.1: Target Population for Households Representatives.**

Name of the ward	Target population
Machewa,	11902
Matisi,	9522
Tuwani,	8332
Kinyoro	8330
Saboti.	9517
<b>Total</b>	<b>47,603</b>

**Source: KNBS (2019).**

Furthermore, the study also targeted a select group of 80 key informants (Chiefs/Ass chiefs, council of elders, legal and policy experts, political activists and land commission officers) as shown in the table below;

**Table 3.2: Target population for Keys Informants (KI)**

Classification	Target population
Chiefs/Ass chiefs	21
Village Elders	36
Ward Administrators	5
Assistant county commissioner (ACC)	3
Political activists	10
Land policy experts	3
Land commission officers	2
<b>Total</b>	<b>80</b>

**Source: Trans Nzoia County CIDP 2023-2027.**

### 3.2 Sampling technique and sample size

The study involved determining a sample size of 381 from the research population, calculated using the Krejcie and Morgan (1970) formula to proportionately represent the target population of 47,603 households. The sample was arrived through the use of cluster and simple random sampling as shown below;

**Table 3.3: Sample size for the Households**

Name of the ward	Target population	Sample size
Machewa,	11902	95
Matisi,	9522	76
Tuwani,	8332	67
Kinyoro	8330	67
Saboti.	9517	76
<b>Total</b>	<b>47,603</b>	<b>381</b>

**Source: Researcher, 2024.**

Furthermore, the study targeted 80 key informants, and according to the recommendation by Mugenda and Mugenda (2012) for populations under 1000, which suggested a sample size of 10% to 30%, resulting in a sample of 24 key informants arrived through the use of purposive sampling as shown in table 3.4 below.

**Table 3.4: Sample size for the Key Informants.**

Classification	Target population	Sample Size
Chiefs/Ass chiefs	21	5
Village Elders	36	12
Ward Administrators	5	1
Assistant county commissioner (ACC)	3	1
Political activists	10	3
Land policy experts	3	1
Land commission officers	2	1
<b>Total</b>	<b>80</b>	<b>24</b>

**Source: Researcher, 2024.**

### 3.3 Data Analysis and Presentation.

This study saw both quantitative and qualitative data analysis methods being used to comprehensively address the research questions. Quantitative data was analyzed through descriptive statistics, including the calculation of frequencies, measures of central tendency (such as means), and measures of variability (standard deviations) for continuous data. Qualitative data were analyzed thematically to extract meaningful insights from responses gathered through questionnaires and interviews.

## IV. Data Presentation, Analysis and Discussion

### 4.1. Response rate

The researcher distributed a total of 381 questionnaires to the identified respondents and after an agreed period of time, 330 questionnaires were returned representing 86.6 % of the total number of questionnaires distributed. The 13.4% of the questionnaires which were not returned were because, some of the respondents could not be reached, some questionnaires had errors hence were not included as shown in table 4.1 below.

**Table 4.1: Response Rate**

Response rate	Distributed	Returned	Non response
Questionnaires distributed	381	330	51
<b>Percentage%</b>	<b>100%</b>	<b>86.6%</b>	<b>13.4%</b>

**Source: Researcher, 2024**

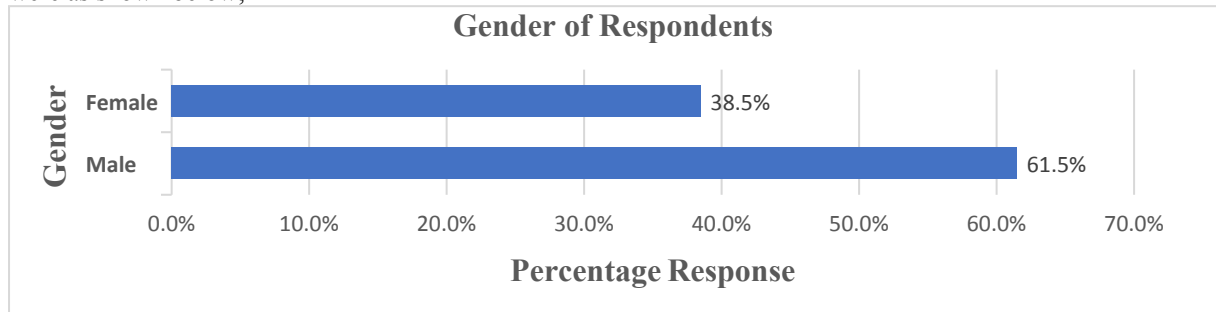
Furthermore, 19 out of 24 of the Key informants responded, accounting for 79.2% of the total respondents. Again, 20.8% of the key informants could not be reached due to busy schedules or time constraints that prevented them from dedicating time to scheduled interviews.

### 4.2 Demographic Data.

In this study, demographics the questionnaire items included gender, educational levels, and the duration respondents had lived in the study area.

**4.2.1. Gender of the Respondents.**

The findings indicated that 61.5% of the respondents were male, while 38.5% were female. The gender imbalance suggested various socio-cultural factors influencing participation rates highlighting potential areas for further investigation to understand gender dynamics in land ownership and historical land injustices. The results were as shown below;

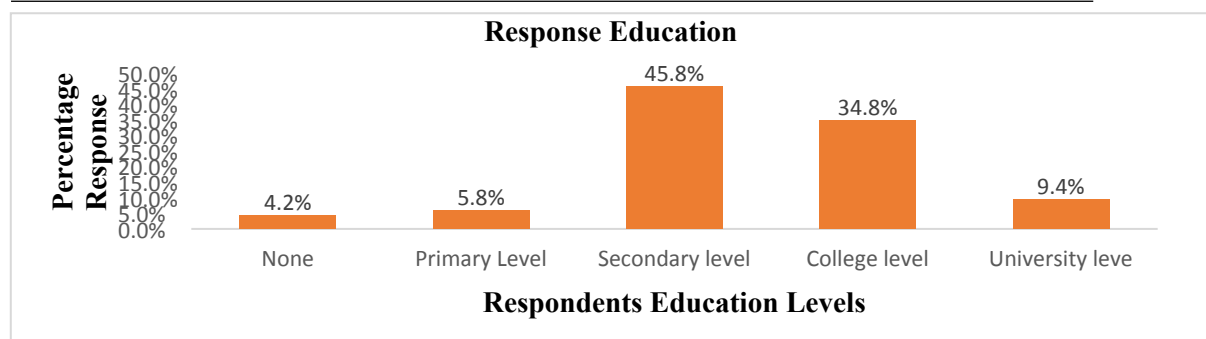


**Figure 4.1: Gender of Respondents.**

Source: Researcher, 2024.

**4.2.2. Education level of the Respondents.**

The researcher discerned that at 9.4%, had obtained a university education, 34.8% of the respondents, had achieved a college-level education, while 45.8% had attained a secondary level of education, 5.8% of respondents, with primary education level, and 4.2% who had not received any formal education. The results are presented in Figure 4.3 as shown below;

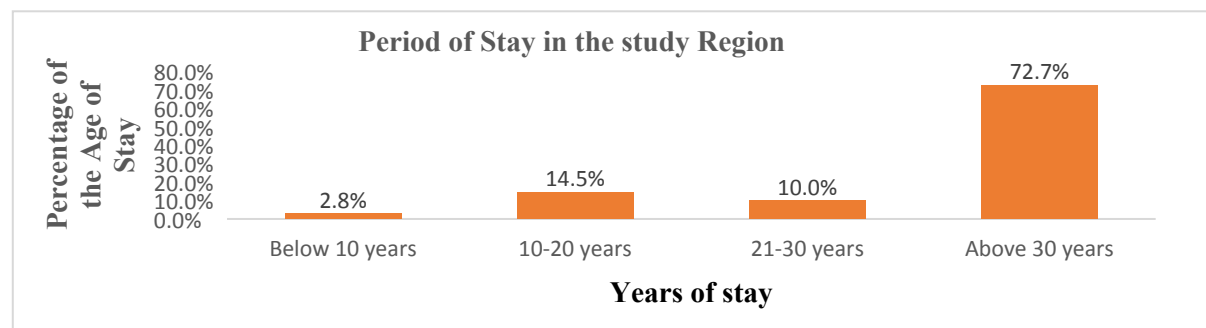


**Figure 4.2: Educational Level of Respondents.**

Source: Researcher, 2024.

**4.2.3. Period of Time of Residence of the Respondents.**

The researcher found that 72.7% of the respondents had resided in the study area for more than 30 years. Additionally, a 10.0% and 14.5% of respondents, had lived in the study area for a duration between 21-30 years and 10-20 years respectively. In contrast, 2.8% of the respondents, had a period of residence in the study area ranging from 5 to 10 years. The results are presented in Figure 4.4 as shown below;



**Figure 4.3: Period of Time of Residence in Saboti sub-County.**

Source: Researcher, 2024.

**4.4 Analysis for the Descriptive Statistics.**

The study aimed to assess the effectiveness of Land Reports in documenting and addressing historical land injustices in Saboti Sub-County, Trans Nzoia County, Kenya.

**Table 4.2: Impact of Land Reports in documenting and addressing historical land Injustices**

<b>Statement</b>	<b>S. A</b>	<b>A</b>	<b>NS</b>	<b>D</b>	<b>S. D</b>
The Land Reports recommendations have not been implemented to solve the disparity and inequality in land ownership in Saboti Sub-County.	28.5%	46.4%	18.8%	3.0%	3.3%
The community is aware of the Land Reports which documents cases of historical land injustices.	23.0%	40.9%	30.0%	3.3%	2.7%
The available Land Reports shows how politics of interest have perpetuated historical land injustices within Saboti Sub-County.	20.9%	51.8%	21.2%	3.0%	3.0%
Land agencies have not utilized the recommendations of Land Reports to address historical land injustices in Saboti Sub-County.	24.5%	47.0%	18.2%	8.2%	2.1%
Land Reports have showed the lack of transparency and accountability in addressing historical land injustices Saboti Sub-County.	22.1%	52.7%	9.1%	14.2%	1.8%
Land Reports have showed government reluctance in addressing historical land injustices in Saboti Sub-County.	21.8%	41.8%	24.8%	9.1%	2.4%
Land Reports have showed the weakness in the existing land policy framework in addressing historical land injustices in Saboti Sub-County.	28.5%	46.7%	19.4%	3.0%	2.4%
Land Reports are government documents that shows the prevalence of historical land injustices in Saboti Sub-County.	33.9%	35.5%	24.5%	3.3%	2.7%

The study aimed to assess various aspects related to the role of Land Reports in documenting and addressing historical land injustices in Saboti Sub-County. The first item addressed whether Land Reports are government documents showing the prevalence of historical land injustices, with 74.9% of respondents agreeing or strongly agreeing, 18.8% neutral, and 6.3% disagreeing. The second item focused on whether Land Reports' recommendations had not been implemented to solve land ownership disparity, with 63.9% agreeing or strongly agreeing, 30% neutral, and 5.9% disagreeing. The third item questioned whether the community was aware of the Land Reports documenting historical land injustices, showing that 72.7% agreed or strongly agreed, 21.2% were neutral, and 6% disagreed.

In terms of whether Land Reports showed how politics of interest perpetuated historical land injustices, 71.5% agreed or strongly agreed, 18.2% were neutral, and 10.3% disagreed. Regarding whether Land agencies had not utilized the recommendations to address historical land injustices, 74.8% agreed or strongly agreed, 9.1% were neutral, and 16.1% disagreed. The study also found that 63.6% believed Land Reports showed the lack of transparency and accountability, with 24.8% neutral and 12.1% disagreeing. Lastly, regarding government reluctance in addressing historical land injustices, 75.2% agreed or strongly agreed, 24.5% were neutral, and 5.9% disagreed.

#### **4.5. Thematic Analyses on the impact of Land Reports in Documenting Historical Land Injustices in Saboti Sub-County, Trans Nzoia County, Kenya.**

Thematic analysis revealed the crucial role of land reports in addressing historical land injustices in Saboti Sub-County, Kenya. This study emphasizes how these reports shape land policies to tackle longstanding land grievances. Key themes emerged, highlighting government inaction, political and economic interests, and lack of transparency in addressing these injustices.

##### **4.5.1. Government Inaction and Reluctance to Adopt and Implement the Recommendations of Land Reports.**

The study's findings reveal a profound sense of disillusionment and frustration among respondents regarding the government's handling of historical land injustices. Despite promises made during election campaigns, the government has consistently failed to address these grievances, leading to feelings of abandonment and disenfranchisement within the community. Respondents expressed frustration with the lack of meaningful action

and the government's apparent prioritization of other issues over land justice. This perceived inaction has deepened feelings of betrayal and hopelessness among affected communities, highlighting a fundamental disconnect between the government and its citizens. Similarly, Key Respondent KI 006 remarked that,

*"The government's failure to address land injustices despite promises and evidence is disheartening. We have waited for decades for restitution, yet our pleas have been continuously ignored. Despite repeated promises, our land grievances persist while governments prioritize other issues. Leadership changes only compound the challenge of addressing historical injustices. It's a cycle of unfulfilled promises and unresolved grievances, with little meaningful action taken. The government's slow response to historical land injustices in our region, attributed to limited administrative agencies, has left communities feeling abandoned despite the government's potential to make a difference. Frustrations mount as our land rights are ignored, with the excuse of preserving peace overlooking our suffering. Conflicts among land agencies further hinder progress, leaving us with no recourse."*

Moreover, respondents believe that the government possesses the authority and resources to address these issues effectively but lacks the willingness or commitment to do so. This perceived neglect has exacerbated social and economic challenges, contributing to a cycle of frustration and despair. Mandate conflicts between government agencies responsible for land administration have further complicated the situation, indicating a systemic issue that extends beyond the loss of land. The failure to address historical land injustices has marginalized these communities and hindered their ability to move forward, underscoring the urgent need for a more responsive and accountable governance structure.

#### **4.5.2. The presence of Political and economic Interest from powerful individual in and out of government who fights to protect their interests.**

The study uncovered a significant theme related to political and economic interests, revealing a pattern of manipulation of land policies by politicians and government entities to advance their political agendas and personal gains. This exploitation of land policies for political purposes exacerbated historical injustices, widened land disparities, and eroded trust in governance institutions, leading to social unrest. Respondents highlighted how politicians wielded their influence over land allocation and ownership, often at the expense of marginalized communities, perpetuating a cycle of land inequalities that hindered sustainable development and created a climate of fear and uncertainty, particularly during election periods. Key Respondent KI 014 remarked that,

*"Politicians often exploit land for political gain, manipulating allocation and ownership to strengthen their power, often at the expense of marginalized communities. This perpetuates historical injustices, deepening land inequalities and undermining justice and equity. This manipulation hinders sustainable development and erodes trust in governance, leading to social unrest. They also manipulate the system to seize land, worsening injustices, while political and government officials delay efforts to address these injustices, protecting their ill-gotten land and power. This exploitation of loopholes in the land policy framework harms marginalized communities, trampling their land rights. Despite fear of reprisal, communities persist in advocating for their rights, hoping for justice and the return of their land"*.

Despite facing intimidation and risks, respondents expressed resilience and determination to advocate for their rights and reclaim their land. They emphasized the urgent need for policy interventions to address these longstanding issues, noting that successive governments' failure to effectively tackle land injustices had deepened social, economic, and political divides. The findings underscored the imbalance of power in the community, where speaking out against injustices was perceived as risky, highlighting the broader issue of impunity in the region. Despite these challenges, respondents' advocacy efforts indicated a strong commitment to seeking justice and a fair land administration system for all, offering hope for a future where governance ensures the protection of the marginalized.

#### **4.5.3. Lack of Transparency and Accountability in the process of addressing historical land injustices.**

The third theme focused on the significant lack of transparency and accountability in addressing historical land injustices, as highlighted by respondents during the interviews. Despite community members' awareness of their land rights, they felt excluded from crucial decisions affecting them, leading to feelings of being kept in the dark. This opacity fueled mistrust between the government and the people, as well as within the community. Respondents pointed out that the absence of transparent communication channels and community engagement hindered effective land policy implementation and perpetuated historical injustices. Key Respondent KI 004 articulated that the land agencies, supposed to protect people's rights, seemed to work against them, prioritizing their own interests over land justice. This sentiment of betrayal was particularly strong among historically marginalized groups, indicating the deep-rooted consequences of these agencies' failures. In alignment with the study's findings, Key Respondent KI 002 asserted that,



*“The land report highlighted a significant lack of transparency in handling land issues, leaving us uninformed about decisions that directly impact us. This opacity extends to the creation of land policies, particularly regarding historical injustices, fostering mistrust between the government, communities, and individuals. Land agencies, tasked with safeguarding our rights, often prioritize their own interests, leading to a sense of betrayal and mistrust, particularly among historically marginalized groups. The lack of accountability and transparency in land management processes has deepened mistrust in government institutions. Without meaningful reforms, historical land grievances are likely to persist, perpetuating disputes, damaging community cohesion, and threatening social fabric and stability in affected communities”.*

Furthermore, respondents highlighted the lack of coordination and collaboration among land agencies, which perpetuated land disputes and conflicts. They emphasized the absence of accountability within these agencies, with blame-shifting contributing to the failed implementation of just and equitable land policies. Key Respondent KI 007 echoed these sentiments, expressing deep-seated distrust in the government's ability to address land grievances. This skepticism stemmed from repeated failures to implement land report recommendations and fulfill promises to rectify historical injustices, leaving many communities feeling marginalized and betrayed. The persistent lack of accountability and transparency by government agencies was seen as a major barrier to rebuilding trust and resolving long-standing land issues. Without significant reforms, respondents feared that the cycle of mistrust and injustice would continue, further eroding the social fabric and stability of affected communities.

#### **4.6 Opinion of respondents on historical land injustices in Saboti Sub County**

The study aimed to investigate various aspects related to historical land injustices in Saboti Sub-County, Trans-Nzoia County, Kenya. The respondents' opinions on historical land injustices were crucial in understanding the depth and breadth of the issues at hand. A comprehensive survey was conducted, encompassing a wide range of demographic groups, including different age brackets, gender, ethnic backgrounds, and socio-economic statuses. This diversity ensured a broad spectrum of perspectives, providing a holistic view of the perceived land injustices in the area.

**Table 4.5: Opinion of respondents on historical land injustices in Saboti Sub County Trans Nzoia County Kenya.**

<b>Statement</b>	<b>SA</b>	<b>A</b>	<b>NS</b>	<b>D</b>	<b>SD</b>
There is unequal land distribution in Saboti sub-county, where a small number of individuals or groups own a disproportionately large amount of land.	20.9%	51.8%	21.2%	3.0%	3.0%
Communities in Saboti sub-county were dispossessed of their land rights in without fair compensation.	24.5%	47.0%	18.2%	8.2%	2.1%
Majority of the community members have not received land titles for land ownership and tenure security.	22.1%	52.7%	9.1%	14.2%	1.8%
There is the presence of squatter living in Saboti sub county trans Nzoia county.	21.8%	41.8%	24.8%	9.1%	2.4%
There is less efforts towards land restitution, reparations and compensation.	28.5%	46.7%	19.4%	3.0%	2.4%
There exists ethnic hatred and tension in Saboti sub county.	33.9%	35.5%	24.5%	3.3%	2.7%
There exist land conflicts between communities in Saboti sub county.	29.7%	45.2%	20.0%	3.0%	2.1%
There is increased poverty as a result of land injustices because livelihood is gotten from land resources.	23.3%	41.2%	30.6%	3.0%	1.8%

#### **4.7. Thematic analyses on the Views of Respondents on historical land injustices in Saboti Sub County Trans Nzoia County Kenya.**

The themes analyzed on the views of respondents regarding historical land injustices in Saboti Sub-County, Trans-Nzoia County, Kenya, aimed to uncover the multifaceted perspectives and experiences surrounding this complex issue.

##### **4.7.1. Unequal Land Distribution**

During the interviews, participants expressed significant concern over the stark disparities in land ownership within Saboti sub-county. They highlighted how a small number of families and individuals controlled vast tracts of land, leaving the majority struggling to secure even small plots. This situation underscored deep-rooted issues of inequality and historical injustices in land distribution. Interviewees emphasized the need for policies to address these disparities, aiming to ensure more equitable access to land for all. The commodification of land has led to increased inequality and disenfranchisement, with marginalized groups bearing the brunt of these inequities, perpetuating a cycle of poverty and limited access to resources. Agreeing with the research, Key Respondent KI 015 articulated that,

*“The concentration of land ownership among a few individuals has left many struggling to secure small plots for their families, highlighting deep-seated historical land injustices and the urgent need for effective land use policies. This disparity exacerbates inequalities, perpetuates poverty, and creates social divisions, as rising land prices make access to land increasingly difficult for ordinary citizens.*

*Additionally, the lack of secure land rights prevents farmers from using their land as collateral for loans, limiting their ability to invest in and develop their farms, which hinders both individual progress and regional economic development.”*

The concentration of land ownership among the wealthy has far-reaching consequences, affecting individuals, communities, and societies. It has eroded traditional livelihoods and cultural practices, leading to a loss of identity and connection to the land. Furthermore, it created barriers to social mobility and economic advancement for the majority, reinforcing patterns of exclusion and marginalization. The absence of secure land ownership and title deeds has left many community members unable to invest in their farms or access loans, hampering economic activities and perpetuating poverty. This disparity has led to social and economic stratification, with landowners exerting significant influence over resources and decision-making processes. The unequal land distribution in Saboti sub-county has fostered a sense of injustice and disenfranchisement, contributing to social, economic, and political imbalances within the community.

#### **4.7.2. Dispossession of Land Rights without Fair Compensation**

During the interview, the respondent explained that their forefathers had been forcibly removed from their land during the colonial era. The respondent's interview highlighted the deep-seated impact of historical land injustices in Saboti Sub-County, Trans Nzoia County, Kenya. Their forefathers were forcibly removed from their land during the colonial era, leading to generations of displacement and marginalization. Despite ongoing efforts to address these injustices, the community continues to face challenges in gaining recognition and receiving redress for their losses. Land reports documenting these injustices serve as painful reminders of the trauma endured by their ancestors and fuel the community's determination to seek a fair resolution. The respondent emphasized the profound connection to their land, viewing it as a fundamental aspect of their identity, history, and future, embodying the struggles and triumphs of their ancestors. Affirming the study's conclusions, Key Respondent KI 019 noted that,

*“Our forefathers were evicted from their land during the colonial era, leaving deep scars that affect generations. Despite efforts to address these injustices, communities in Saboti Sub-County, Trans Nzoia County, Kenya, still struggle for recognition and redress. Historical land injustices have led to financial instability, loss of security, and marginalization. The land is not just property but a vital part of our identity, history, and future, representing our cultural heritage and the legacy of our ancestors. We need justice and restitution to honor our past and secure a better future for our descendants”.*

The respondent's account underscored the enduring legacy of historical land injustices, revealing a community still deeply affected by past actions. The lack of restitution has perpetuated a cycle of poverty and marginalization, leaving lasting scars on the social fabric of the community. The respondent's narrative highlighted the urgent need for meaningful interventions to support those affected and ensure they receive the recognition, support, and justice they deserve. This sentiment was echoed by other key respondents, underscoring the profound impact of land dispossession on the community's identity and well-being. The interview revealed the complexities of addressing historical injustices and the resilience of communities striving to reclaim their land and heritage.

#### **4.7.3. Lack of Land Titles and Tenure Security.**

During the interviews, the respondent expressed a deep-rooted connection to the land, explaining that their ancestors settled on the land long before the concept of title deeds existed. The respondent expressed a profound connection to their ancestral land, lamenting the absence of title deeds that has resulted in their marginalization and vulnerability to eviction. This lack of legal documentation has not only left them perceived

as squatters but also hindered their access to essential services and benefits, deepening their marginalization. The respondent called for governmental recognition of their land rights and the issuance of title deeds to secure their future and enable full access to benefits available to landowners. This plea reflects a desire for both recognition of their long-standing presence on the land and legal security. In line with the research, Key Respondent KI 009 pointed out that,

*“For generations, we have lived on this land without title deeds to prove our ownership. Our ancestors settled here long before such documents existed, and our connection to this land is deeply rooted in our history and culture. Despite our long-standing presence, we are often seen as squatters, facing constant threats of eviction. The absence of title deeds undermines our security, prevents access to essential services, and hinders community development. The government and politicians have repeatedly promised to address these historical injustices for votes, but nothing has changed. This failure perpetuates inequality, fuels disputes, and stalls community progress. We urge the government to recognize our land rights, rectify these injustices, and provide the title deeds needed to secure our future”.*

Furthermore, the study highlighted the pervasive issue of land title absence in Saboti sub-county, where many community members are deprived of tenure security, leading to disputes, prolonged legal battles, and hindered development. Respondents noted politicians’ unfulfilled promises to resolve historical land injustices, exacerbating distrust in the government. The lack of secure land tenure has perpetuated poverty, underdevelopment, and social division. Addressing these injustices and ensuring fair land dispute resolutions are crucial for breaking the cycle of poverty and fostering sustainable community growth and prosperity.

**4.8. Correlation Analysis of the study Variables.**

The computation of correlation analysis was tested using correlation coefficients as suggested by Cohen, West and Aiken, (2003). The study used Pearson correlation (r) to test whether the relationship between the variables was significant or not at 95% confidence level which is appropriate for humanities and social science research. Accordingly, a relationship between the two variables was considered to be strong and significant if the correlation (r) value was more than 0.6. The results indicated a strong positive correlation between impact of land reports and historical land injustices, with a Pearson correlation coefficient of 0.989\*\* (p < .01) as shown in the table 4.7 below;

**Table 4.6. Correlation Analysis Report for the Variables.**

	<b>Historical Land Injustices</b>	
<b>Land Reports</b>	Pearson Correlation	<b>.989**</b>
	Sig. (2-tailed)	.000
	N	330

**Source: SPSS Version 28, 2024**

**4.9 Discussion of Study Findings.**

In discussing the study findings, the quantitative and qualitative findings were crucial in this analysis, as they provided a comprehensive understanding of the situation at hand as presented below;

**4.9.1 Impact of Land Reports in Documenting and Addressing Historical Land Injustices in Saboti Sub-County.**

The impact of land reports in documenting and addressing historical land injustices in Saboti Sub-County, Trans Nzoia County, Kenya, was significant. Quantitative analysis revealed that 74.9% of respondents viewed these reports as official government records highlighting the extent of these injustices. According to Panday (2021), the recommendations from these reports informed policymakers and legislators, guiding the development of policies to resolve land disputes, promote equitable land distribution, and ensure sustainable land management. However, qualitative data from community members revealed deep-seated frustration with the government's lack of action in implementing these recommendations, stemming from perceived broken promises and a lack of commitment. Further analysis indicated a substantial gap between policy intention and practice, with 63.9% of respondents believing that the recommendations had not been effectively implemented. Qualitative data pointed to political and economic interests as major hindrances to the successful implementation of these reports. The BBI report by Onguny (2020) also established that land issues were highly emotive and divisive, stemming from historical grievances. Despite the community's call for the implementation of reports such as the Ndungu land commission and the TJRC Report, the findings showed slow progress, with these reports remaining largely unimplemented.

Community awareness of Land Reports was generally high, with 72.7% of respondents acknowledging their existence. However, qualitative data emphasized the need for more transparent communication channels. Political influence played a significant role in perpetuating land injustices, with 71.5% of respondents noting the impact of political interests. Qualitative insights provided specific examples of political manipulation, underscoring the complex interplay between politics and land injustices. Confidence in land agencies was notably low, with 74.8% of respondents believing these entities had failed to address the injustices effectively. Both datasets highlighted issues of transparency and accountability, with a consistent perception of government reluctance and inefficiency in addressing these historical land injustices. The study results revealed a very significant, positive, and strong correlation between the significance of land reports in documenting and addressing historical land injustices in Saboti Sub-County, Kenya ( $r=0.989^{**}$ ; P-value of .000). The study established that land reports are key in revealing historical land issues that have affected the inhabitants of the study area. In regards to the above results, this study's findings agreed with Collins (2018), who noted that land reports play a crucial role in addressing historical land injustices by conducting comprehensive analyses of land-related issues, providing conflict resolution strategies, and informing policy and decision-making processes.

#### **4.9.2. Theoretical Relevance of the Study Findings**

The study's findings on land reports and historical land injustices in Saboti Sub-County, Kenya, aligned with critical theory, which emphasizes power dynamics and systemic inequalities. Critical theory suggests that social injustices stem from oppressive power structures. The community's view of land reports as crucial documents reflected their struggle against these structures for fair land rights.

The findings also revealed discrepancies between policy ideals and realities, showing that despite the emphasis on transparency and accountability, implementation fell short due to political and economic interests. This gap perpetuated injustice, indicating the need for transformative change to address underlying inequalities.

### **V. Summary, Conclusions and Recommendations.**

#### **5.1 Summary of Findings**

The study examined the impact of historical land reports in addressing historical land injustices in Saboti Sub-County, Trans-Nzoia County, Kenya. Saboti Sub-County, like many other regions in Kenya, has a history of colonial land injustices that have had lasting impacts on the local community. The national land use policy was expected to provide a framework for addressing these injustices by promoting equitable land distribution and land tenure security. However, the findings of this study reveal significant challenges in the implementation of the policy, indicating that it has not fully achieved its intended objectives in Saboti Sub-County.

#### **5.2 Summary of Demographic Variables**

The study recorded 86.6% response rate for the residents of Saboti sub-County, which was considered appropriate for data analysis. The study further established that that most household representatives who participated in the study were males, which indicated the continued influence of culture and patrilineal society in relation to land ownership. The study also established that majority of the respondents had attained secondary education and above and were in a position to give their opinion land use patterns and historical land injustices in the study area. Again, the study establish that majority of the respondents had lived in Saboti sub-County for a considerable number of years and therefore they had good knowledge of policy issues affecting historical land injustices in the study area.

#### **5.3 Land Reports and Historical Land Injustices in Saboti Sub-County, Trans Nzoia County, Kenya.**

The study found that the Land Reports in Saboti Sub-County, Trans Nzoia County, Kenya, played a pivotal role in documenting the historical land injustices that have plagued the region. These reports were crucial for recording and analyzing past grievances related to land ownership and distribution, providing a comprehensive overview of the complex historical context of land issues in the area. By detailing these injustices, the reports enabled stakeholders to gain a deeper understanding of the roots of the land problems in Saboti Sub-County. Insights gleaned from the Land Reports were instrumental in developing effective land policies to address historical land injustices.

The detailed accounts of past grievances highlighted the need for substantive reforms in land policies and administration. These reports underscored the importance of addressing land issues as a means of promoting social justice and sustainable development in the region. However, there was a significant gap between the comprehensive recommendations outlined in the Land Reports and their practical implementation. The government's failure to effectively act on these recommendations raised doubts about the overall effectiveness of land policies in remedying historical injustices. This gap underscored the urgent need for implementing land

reports that are aligned with the objectives of land policies and ensure the intended benefits reach those most affected by historical injustices.

Another salient finding was the significant challenge posed by political and economic interests to the effective implementation of land reports. Political interference frequently resulted in biased decision-making processes that favored specific individuals or groups, exacerbating existing inequalities and injustices. Additionally, economic interests, including those of powerful individuals or corporations, often influenced land use decisions, leading to delays or non-implementation of land reports and further marginalization of vulnerable communities.

The study also highlighted the critical role of transparent communication and community engagement in overcoming barriers to addressing historical land injustices. Significant concerns were identified regarding the lack of transparency in how information from the Land Reports was communicated to the public and integrated into land use policy formulation. This lack of transparency not only hindered the effectiveness of policy formulation and implementation but also eroded trust in the process.

#### **5.4 Conclusions of the Study**

The study on Land Reports and Historical Land Injustices in Saboti Sub-County, Trans Nzoia County, Kenya, revealed their crucial role in documenting past grievances and providing insights for developing effective land policies. These reports highlighted the need for substantive reforms in land policies and administration to address historical injustices. However, there was a significant gap between the recommendations in the reports and their implementation, largely due to political and economic interests. The study emphasized the importance of transparent communication and community engagement in overcoming these barriers and ensuring the intended benefits reach those most affected by historical injustices.

#### **5.5 Recommendations for the Study**

In line with the above findings of the study, the following recommendations were drawn. They are categorized into policy and theoretical recommendations.

##### **5.5.1 Policy Recommendations:**

The first recommendation is to reform the National land use policy framework by adopting the recommendations of land reports. This reform should explicitly recognize and address historical land injustices.

##### **5.5.2 Theoretical Recommendation:**

The study recommends applying participatory governance theories to inform the development of land-related policies. This approach ensures that diverse perspectives are considered, leading to more inclusive and effective policies. Additionally, the study suggests utilizing communication theories to design awareness campaigns that resonate with the local population. This strategy aims to enhance understanding and acceptance of land use policies among community members, ultimately promoting more successful policy implementation.

#### **5.6 Areas for Further Studies**

The comprehensive analysis of the study findings revealed several areas that warranted further exploration to deepen the understanding and address the identified challenges. In light of this, it was crucial to propose specific recommendations for future research to build upon the current study's foundation. These recommendations for further study included,

- i. Firstly, to conduct a comparative study across multiple sub-counties or counties in Kenya to assess the effectiveness of land use policies in addressing historical land injustices.
- ii. Secondly, to conduct a multi-disciplinary approach to explore the historical, social, and political factors that contribute to land injustices in Saboti Sub-County and other regions.

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