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Households in Tharaka Nithi County, Kenya**



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## Land Disputes and the Consequences on Social Economic Activities of Households in Tharaka Nithi County, Kenya



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### Abstract

**Purpose:** This study investigates the consequences of these land disputes on households' social economic activities in Tharaka-Nithi County.

**Methodology:** The study used descriptive research design targeting 1,598 disputed land claims in Chiakaraga ward, Tharaka Constituency in Tharaka-Nithi County which is greatly affected by many unresolved land disputes. A sample size of 94 households was picked using systematic random sampling, structured questionnaires and interview schedule administered to the focus group to collect primary data. Three purposively selected focus groups discussion from the village elders, household heads and non-governmental organizations (NGO) were organized in three different areas of the ward with ten participants each. Indeed, additional ten key informants from land officers, judiciary, interior coordination officer, elders and land tribunal members were purposively selected for interview. Quantitative data were summarized into frequency distribution tables, bar graphs and pie charts. Data from focus group discussion and interview schedule were analyzed using Statistical Package for Social Science (SPSS). Anova and linear regression were conducted and determined the relationship between land disputes on household income of displaced households.

**Findings:** The study found that landowners cultivate the disputed land in order to get food and generate income for their livelihood. The generated income was used to fund the filing of court cases in a bid to resolve land disputes. The study found that land disputes displace landowners, lower farm production and earnings. They also affected settlements of landowners since they feared displacement and demolition of their homesteads affecting their livelihood.

**Unique Contribution to Theory, Practice and Policy:** Findings from this study are helpful to stakeholders in land sector and policy makers in the county and national government in making decisions that will minimize causes of land disputes and quick resolution when they occur to spur social economic development

**Keywords:** *Land Disputes, Social Economic Activities, Household Income, Displacement*

## **INTRODUCTION**

In Tharaka Nithi County, land is an essential factor of production, as 80% of the population depends on agriculture for their livelihood (County Integration Development Plan, 2023). Ameru community and their attachment to land define their concept of identity, ownership, and territorial rights ( Mwita J, Mulemi, B, & Ngundo, B,.2017). Land in this county faces challenges because about 32.9% of the land is not registered and has an outstanding boundary dispute with Meru County (Ndiku &Mworia, 2012: CIDP, 2023). Consequently, some landowners are rendered landless and squatters by unresolved land dispute (CIDP, 2023). This has led to about 40% of the population in the county living below the poverty level since Kenyan's is mainly anchored in agriculture. (Kenya National Bureau of Statistics, 2019). It is on this basis, that the study seeks to investigate the consequences of land dispute on social –economic development in the county.

Land allocation in Tharaka Nithi is increasingly becoming a controversial issue and a fertile ground for disputes due to demand increased by growth in population while land resource is scarce. Land reform from customary tenure (CT) to private tenure has caused land disputes. This is meant to increase food production, reduce poverty, and increase economic development in rural areas through provision of the title deeds as collateral. Landlessness and squatter problems are prevalent occasioned by land dispute in the county as a slow adjudication process has made 32.9% of residents not to have title deeds and contributed to food insecurity by about 27.7% despite the county having abundant agricultural land (CIDP 2023).

### **Objective**

Establish the effects of land disputes on agricultural land production in Tharaka-Nithi County, Kenya

Establish the effects of land disputes on household incomes in Tharaka-Nithi County, Kenya

### **Hypothesis**

Ho<sub>1</sub>: There is no significant effect of land disputes on socio-economic activities of households in Tharaka-Nithi County.

### **Research question**

What are the effects of land disputes on social-economic activities of households in Tharaka-Nithi County, Kenya?

### **Scope and Limitation of the Study**

Although land disputes are widespread in Kenya, this study was limited to Tharaka-Nithi County. It focused on the consequences of land disputes on social economic activities in rural and small urban centers. Some landowners were not comfortable in disclosing emotive land dispute matters since it involved their relatives but, the research assistants assured them on the purpose of the study was for research and the respondents would remain anonymous. Some areas were not easily accessible due to vastness of the study area, however local research assistants were used since they were familiar with the terrain of the area and were able to access the respondents, they were also familiar with the local

language which gave them confidence and an advantage to speak freely.

## Literature Review

### Land Disputes and Social Economic Development

In Indonesia, land and other natural resources are in abundance but there is land dispute between government, societies and investors affecting development of industries, infrastructure, housing and tourism (Listyowati, 2008). According to Petracco and Pender (2009), many countries in Latin America and Asia are carrying out land reforms in order to optimize use of land for their economic development by using title-deeds as collateral. Land disputes are a major cause of unrest in China, Guatemala and Afghanistan (Moore, 2011). In addition land disputes are affecting mining in India. Wehrmann (2008) indicates that conflicts mostly occur over land and produce negative consequences to individuals and society with many families in countries like Brazil and Guatemala having their homes bulldozed out of existence. This has led to loss of property and sprouting of unorganized development. Netherland government has been unable to meet renewableenergy requirements because of land conflicts (Koelmann *et al*, 2018). According to a study by Mwesigye and Matsumoto (2013) in Uganda, land disputes lowered agricultural production by 17% on land under disputes. Further Siyum *et al.* (2015) found that land disputes in Ethiopia lowered farmers profit since the amounts generated were used to meet legal costs to mitigate disputes, catered for residents' transport costs and personal costs to attend to legal land disputes redress. They also wasted a lot of resident precious production time weakening household income. In Ghana land related court cases account to about 50% of all court cases while in Ethiopiaranges from 30 – 50% (Byamugisha, 2016).

Congo is experiencing civil war which is fuelled by rising worldwide demand for coltan, tin and other minerals found on earth surface (Moore, 2011). This is caused by need to control the land under minerals by some tribes, clans or illegal groups. This introduces another form of land disputes. According to Tarimo (2014) unresolved land disputes in Zimbabwe and South Africa are a source of insecurity, migration and civil strife. According to Mbazor and Ojo (2019) land disputes in southern Nigeria between oil companies and indigenous communities had great effecton loss of lives, property, business and farmland activities and also loss of social services like health and education.

In Kenya, land disputes have significant impact on small scale farmers as they shy away from planting cash crops that are profitable to farmers (Muyanga & Gitau, 2013). However, Ombui and Gachamba (2015) found out that individualization of land causes landlessness resulting to illegal settlements, poor sanitation, inadequate food education and finance accessibility and sometimes violence against women and children.

Mwita *et al.*, (2017) found out that land disputes among the Ameru community have great effects on disruption of economic activities, death, physical harm, displacements of the people and environmental degradation. As a result, farmers and developers claiming ownership of land have encroached on riparian of river Thanantu in Tharaka North Sub- County impacting negatively on forest cover, water quantity and quality (Kirema 2020).



## Theoretical framework

The study was guided by honey pot theory. The theory state that people fight where there is abundance of natural resources in order to control those resources. This theory explains causes of land disputes in terms of economic gains and greediness. Land is the honey pot that fuel distribution and utilization disputes as small group of elite capture this resource for economic gain by amassing more at the expense of other ordinary citizens hence conflicts. Elites seek rent from land as a natural resource against ordinary citizens (Ovadia, 2013). The elites keep predominance of natural resources under their control to maintain power. Rent sharing between the elites and ordinary citizens creates politics of natural resources and unbalanced sharing (Jarus, 2012) explaining the relation between natural resource abundance and scarcity and the likelihood of violent conflicts (Frynas *et al*, 2017).

The elites amass the natural resources to be under their control to maintain power and leave ordinary citizen with less access to this resources causing eruption of conflicts. This is the concept of the resource trap and the resource curse. The theory was used in this study explaining causes of land dispute and landlessness of some people in Tharaka-Nithi County. Small portions of land are allocated to ordinary citizen while huge portions of land to elites, committee members and loyal families. These unexplained changes in land endowment and scarcity trigger off social conflicts (Schnur & Swatuk, 2010).

## Methods and materials

### Description of a Study Area

The study was carried in Tharaka-Nithi County, Kenya. The County borders Meru County to the North, Embu County to the South West and Kitui County to the South East and Kirinyaga and Nyeri to the West. The County has three constituencies namely Maara, Igamba-Ngombe and Tharaka and has four sub-counties namely Nithi, Maara, Tharaka South and Tharaka North (CIDP, 2023). The County is situated at latitude  $00^{\circ}07'S$  and  $00^{\circ}26'S$  and between longitude  $37^{\circ}19'E$  and  $37^{\circ}19'E$  (figure 3:1). The county covers a total area of  $2666.1\text{km}^2$  with a population of 388,202 people in 88,805 households. The population density in the county is about 150 people per  $\text{km}^2$  (KNBS, 2019). The county is composed of high-altitude areas of about 5200m mainly in Nithi and Maara Sub Counties and low altitude areas of about 500m in Tharaka Sub-Counties. The main physical feature is Mt Kenya which stands at 5200m above sea level and covers 360 square kilometres of the County with forest while the lowlands include Kijege, Kiera Njuguni and Ntugi hills where forest cover is moderate.

The County receives a bimodal rainfall pattern, long rains with a maximum of 2200mm occur between the months of April and June in the highlands while short rains occur during the months of October to December with lowlands receiving about 500mm. Temperatures in the highlands range between  $14^{\circ}\text{C}$  to  $30^{\circ}\text{C}$  and between  $22^{\circ}\text{C}$  to  $36^{\circ}\text{C}$  at the lowlands. The County has two main sources of rivers, Mt Kenya and Nyambene Hills. Rivers originating from Mt Kenya include Kathita, Mara, Nithi and Thuci and pass through Nithi and Maara Sub Counties. Rivers originating Nyambene Hills include Thanantu, Thungutha and Ura and pass through the lowlands of Tharaka

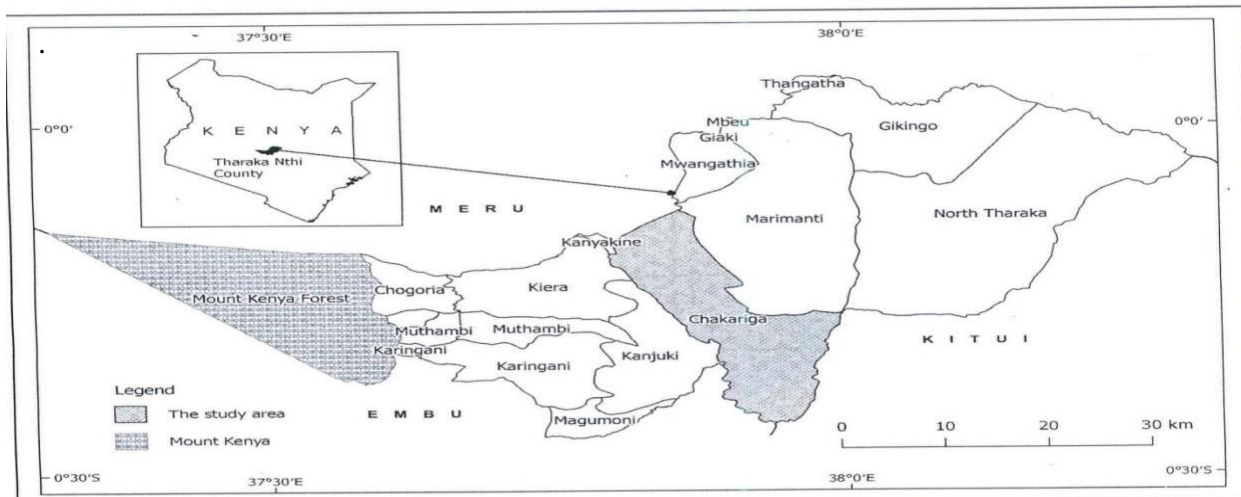


Figure: 3.1 Map of Chiakariga, Tharaka-Nithi Count

Source: Tharaka-Nithi Integrated Development Plan (2018)

Approximately 80% of the study area population engages on small-scale agricultural activities. In the highland they grow tea, coffee, maize and beans are grown, while sorghum, millet and green grams are grown in the lowlands. Indigenous breed of cattle and goats adapted to semi- arid climatic conditions are reared and indeed bee-keeping at the bushy vegetation at the lowlands. Fish farming takes place in fish ponds introduced during economic stimulus period and along the rivers. Some mining activity is practiced through excavation of sand, quarrying of building stones and mining of traces of iron ore (GOK, 2018).

### Research Design and sampling methods.

Descriptive research design was used to establish the effects of land disputes on social-economic activities of households in Tharaka Nithi County. Both quantitative and qualitative data collection method were used through the administration of questionnaires, focus group discussion and interviewing of key study informants face to face. This gave an indepth information on attitudes, opinion, preferences and perception on effects of land disputes had on socio-economic activities of the study population (Kombo and Tromp, 2006). Purposive random sampling method was used to select Chiakariga ward, Tharaka constituency, Tharaka South-Sub County which had registered a high of 1,598 disputes out of 4,648 in the whole county, indeed demarcation of land was in progress and greatly affected by many registered land disputes. Systematic random sampling identified 94 respondent households from both rural- urban strata from a population frame of 1,598 after applying Yamane, 1967 formulae. To obtain the 94 respondents population frame was arranged alphabetically and every subsequent 17<sup>th</sup> subject was systematically picked as study respondent variables identified as a result of land disputes to the households. Another sample consisting of thirty members was purposively selected to take part in focus group discussion. Three focus group were formed each comprising of ten members; four village elders with vast knowledge in handling local land disputes, four from household heads affected by land disputes and two from NGO who are non- locals to give

unbiased effects of land disputes they witness in line with their community duty. The study also collected data from ten key informants who were purposively selected, two from land officers heading lands departments, two from judiciary where one was the resident magistrate and the other chief magistrate, two from ministry of interior, one being assistant county commissioner and deputy county commissioner, two village elders with experience in handling land disputes and two tribunal members one being chairman and the other being secretary who had in depth knowledge and experience on land matters.

### Data Analysis

Data from various primary sources was processed into themes based on study objectives before being analyzed. The research yielded quantitative and qualitative data. The primary data was collected from the households affected by land disputes using a questionnaire. The quantitative data collected was cleaned, grouped, coded, transformed and analyzed using statistical package for social sciences (SPSS version 25) software. The study used tables, pie charts, and bar graphs to present quantitative data, followed by brief explanations. The data was edited and organized into themes to give information about social and economic consequences of land disputes. The land dispute was the independent variable and, social economic consequences were the dependant variables. The hypothesis was tested using regression at 0.05 significant level.

Qualitative data was collected using an interview schedule and focus group discussion. The responses from the interview guide with key informants and focus group discussion were examined and then organized into themes according to study objectives. Qualitative data was then analyzed using Computer Assisted Qualitative Data Analysis Software (CAQDAS). The first theme concerned how households responded to the study's objective about procedures adopted to cope with challenges of land disputes. While the other theme concerned social and economic consequences variables identified as a result of land disputes to the households.

### Results and Discussions

#### Effects of disputes on production of crops cultivated by households

95.7% of the respondents cultivated the disputed land and planted various food crops and surplus were sold to generate income to finance education for their siblings. The table below shows comparative production per acre of green grams per year in a land with and without dispute.

Bags of green grams production per acre	Land without disputes		Land with dispute	
	Frequency	Percentage	Frequency	Percentage
1-3	3	3.2	58	61.7
4- 6	17	18.1	33	35.1
7 -9	62	65.9	3	3.2
10- 12	9	9.6	0	0
13 – 15	3	3.2	0	0

<b>Total</b>	<b>94</b>	<b>100</b>	<b>94</b>	<b>100</b>
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Table 4.1 Production of green grams per acre on land with and without disputes

From the findings there was a wide variability in production of green grams between disputed land and land without any dispute. Land without dispute produced seven to nine 90 kgs bags while disputed land produce one to three bags of 90kg bags (Table 4.1). Therefore, disputes affect the production of green grams since farmers are unwilling to apply adequate farm inputs like fertilizers and are reluctant to attend fully to their crops for fear of displacement, inadequate of capital and time to attend to their farms. The study found that most of the capital obtained from the farms goes to finance land cases and most of their time attending dispute resolution meetings, land court proceedings and barazas.

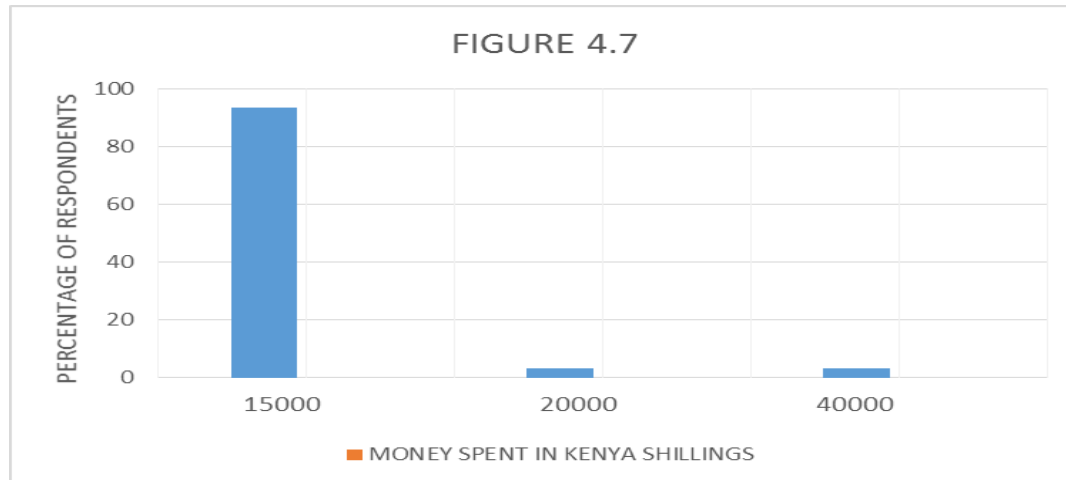
Apart from known agricultural uncertainties like weather, pests, diseases and price fluctuation, land disputes is an added uncertainty in the area of study. This concurs with Mwesigye and Matsumoto (2013) research in Uganda where agricultural production is lower when affected by land disputes and increases when there are no disputes. The study also found that land disputes deterred landowners from planting perennial crops like mango trees, others left land partly or totally uncultivated, parcels of land were lost or abandoned and also livestock fed on crops left unattended lowering production (Focal group discussion I, II, and III, January 2021).

### **Effects of land disputes on income**

Agriculture is the main occupation of the resident of the study area. They rely on the sale of surplus farm produce to earn their income. However, occasional land disputes disrupt the agricultural activities and affect the respondent's income negatively. The study found out that 100% of the respondents had other sources of income other agriculture activities. Majority of respondents indicated at 86.2% relied on income donated from their relatives who had migrated to other areas with only 13.8% relying on their farm produce. This was attributed by low production, poor agricultural practices, inadequate time and inputs to attend to their crops and low acreage under agricultural practices.

The study found that there was high demand for money to finance dispute resolution mechanism through transport and legal charges. Majority of the respondent indicated that they borrowed from friends and relatives. The figure 4.1 below shows the distribution of approximate amount of money spent on land dispute resolution mechanism annually by respondents.





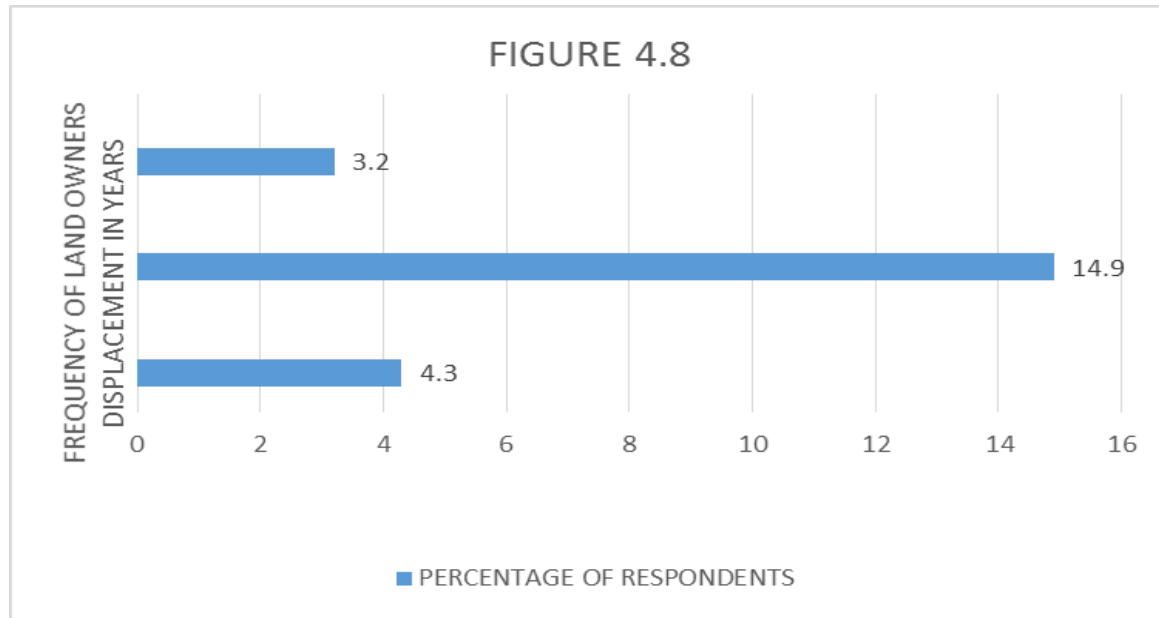
**Figure 4.1:** Amount of money used in resolving land dispute

**Source:** Own Field data 2021

Majority of the respondents at 93.6% spent approximately Ksh15,000 annually on land dispute resolution, 3.2%, Ksh20,000 and another 3.2% spent Ksh40,000 (Figure 4.1). These amounts were spent on transport, legal and illegal charges by courts and village elders. The amounts could have been used to uplift the living standard of the respondent through educating their children, building decent houses or as capital for their agricultural or other investments. Therefore, the land disputes weakened the household incomes affecting the social economic status of the residents of the study area. Land disputes affect the residents' settlement and homestead. The study found that 91.5% of the homesteads of the respondents affected by land disputes were temporary and 8.5% had no homesteads. The respondents indicated that inadequate income to construct the homesteads and fear of displacement led to them constructing temporary homestead. Others indicated that they were threatened and feared for their life if they settled on the land. This correlates with Listyowati (2008) observation who found that land disputes affected development of houses and tourism

#### **Effects on household homesteads.**

The study sought to establish the effects of land disputes on displacement of respondents and is shown in figure 4.2 below.



**Figure 4.2:** Distribution of displacement of landowners

**Source:** Field data 2021

The study established that 14.9% of the respondents had been displaced from their disputed land for six years, 4.3% for four years and 3.2% for seven years. The displacement affected 22.3% of the respondent livelihood negatively in terms of loss of income, loss of properties and loss of their land. Those mostly displaced were respondents without parcel numbers of their land. Their houses were demolished by use of simple implements like pangas. Their livestock both cattle and goats were not spared the agony and were either stolen or butchered to death. This mostly affected the poor. Those who were not displaced from where they were settled were denied cultivation rights over the disputed land. They had to lease land elsewhere and this affected their income (Focal group discussion I, II and III January, 2021). This displacement of landowners concurs with Wehrman (2008), Mwita *et al* (2017) and Kariuki (2005) where thousands of families were displaced in Nakuru as a result of land conflicts

#### **Effects of land disputes on household social economic activities**

The study sought to establish the relationship between land disputes and the amount of money used to resolve those disputes. The study further sought to establish the relationship between land disputes and income of land owners. The study also took into consideration relationships between land dispute and agricultural production which is presented below. The study sought to establish the effects of land disputes to production of land (Table 4.2) shows the correlation between the amount of money that was used to resolve the land dispute and the approximate yield in terms of bags of farm produce that was obtained from the disputed land. Regression analysis was conducted to establish effects of land dispute on the land owner's income from the disputed land. Tables, 4.2 and 4.3 displays the regression output.

Table 4.2: ANOVA regression test between farm production and costs to resolve land disputes.

Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	2.844E8	1	2.844E8	16.568	.000 <sup>a</sup>
	Residual	1.579E9	92	1.717E7		
	Total	1.864E9	93			

- a. Predictors: (Constant), approximately how many bags of farm produce do you get per year?
- b. b. Dependent Variable: How much money in KSh. did you use to resolve the land dispute from other sources?

According to the information displayed in Table 4.2 and Table 4.3 ( $r^2 = .153$ ,  $p < 0.05$ ). In the R squared value is 0.153, indicating that approximately 15.3% of the variance in the dependent variable is explained by the predictor, the standard error of the estimate is 4143.34995, indicating the average amount of error in the predicted values. The p-value is .000a (less than .05), suggesting that regression model is statistically significant. Based on these results, the regression model has a weak positive relationship between the predictor variable (Approximately how many bags of farm produce do you get per year?) and the dependent variable. The model explains approximately 15.3% of the variance and is statistically significant at the .05 level. Since the results indicate that the amount of money spent on land dispute is a significant predictor of the amount of farm produce, the null hypothesis is rejected. The study sought to establish the extent to which land dispute impacts on the productivity of land under dispute. To achieve this, the results of regression analysis were used. The amount of money spent in resolving the land dispute was regressed against farm yield in terms of bags of produce obtained from the land per year. The results obtained were as displayed in Table 4.3.

Table 4.3: Table of coefficients on effects of land production and income from disputed land

Model		Unstandardized Coefficients		Standardized	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	8507.993	1879.378		4.527	.000
	Approximately how many bags of farm produce do you get per year?	994.671	244.366	.391	4.070	.000

- a. Dependent Variable: How much money in KSh. did you use to resolve the land dispute from

other sources?

Land dispute was statistically significant predictor of the productivity of the land ( $\beta=0.391$ ,  $t=4.070$ ,  $p<0.05$ ). Therefore, disputes on land decreases production from the land since failures to intensively cultivate their land and only practice subsistence farming on small land portions, fail to put adequate farm input like fertilizer, pesticide and fungicides. They also do not dedicate all their time to agricultural activities.

### **Summary and Conclusion**

The study sought to establish the effects of land disputes on households' social and economic activities in Tharaka-Nithi County, Kenya. The study established that 95.7% of the respondents consented to use the disputed land due to accessibility. It further revealed that disputed land under cultivation the average production per acre reduced by 50% compared to the production from land without dispute resulting to food scarcity and low household income. The drop in production was caused by household failure to use fertilizer, manure, care of crops, lack of pesticide application, and planting perennial crops.

The low yield of crops from farming led to low household income. This made households solicit additional income from their close relatives. The study established that earned and solicited income was to cater for dispute related expenses approximated to range between Ksh15,000 to Ksh40,000 per year. Most times disputes could escalate to law courts depriving households more income and time which affected their income productivity and ruined the society social fabric.

The study found that 91.5% of households constructed temporary houses in the disputed parcels of land. They feared demolition or displacement of their homesteads in event the dispute escalates. Therefore the types of houses in a homestead in the study area were influenced by land disputes in terms of material for construction and type of settlement pattern. The study also found that some household were displaced and others their homesteads demolished because of disputes within land parcels. This adversely affected their livelihood by being denied shelter, source of food and income and psychological torture. Displacements made households settle on either private or public land, creating and making the land disputes more complex affecting the social economic of households in Tharaka Nithi County Kenya.

### **Recommendations**

National government to accelerate land adjudication process to facilitate security of tenure through provision of title deeds, geo reference of parcels of land and public sensitization on succession of land to minimize land disputes. Second, National and County government to open up the area through development of infrastructure and other basic facilities to create alternative sources of income like formal employment or business ventures. Findings from the study indicated that community clan elders played a crucial role in land allocation to community members and the issue of gender discrimination in land distribution. Therefore, there is a great need to investigate the role of traditional practices' to the increase of land disputes in Tharaka–Nithi County, Kenya.

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