

**THE LAND RELATED CONFLICTS BETWEEN TENANTS AND
LANDLORDS IN KIBRA, INFORMAL SETTLEMENT, NAIROBI CITY
COUNTY (2001-2019)**

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DECLARATION

This project is my original work and has not been presented for a degree in any university. No part of this project may be produced without prior written permission of the author and/ or Kenyatta University.

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Supervisor's Declaration

This project has been submitted for examination with my approval as the University supervisor.

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ABBREVIATIONS AND ACRONYMS

APHRC	Africa Population and Health Research Centre
CBS	Central Bureau of Statistics
CKRC	Constitution of Kenya Review Commission
FGD	Focus Group Discussion
KAR	Kenya African Rifles
CKRC	Constitution of Kenya Review Commission
KENSUP	Kenya Slum Upgrading Program
KLC	Kibera Land Committee
KNBS	Kenya National Bureau of Statistics
NACOSTI	National Commission for Science, Technology and Innovation
NCIC	National Cohesion and Integration Commission
NLC	National Land Commission
PEV	Post Election Violence
UN	United Nations
UNEP	United Nations Environmental Program
UNDP	United Nations Development Plan
UNEP	United Nations Environmental Program
UNCHS	United Nations Centre for Human Settlement
USAID	United States Agency for International Development
SCPC	Sub-County Peace Committee
SPSS	Statistical Package for Social Sciences

OPERATIONAL DEFINITION OF TERMS

Informal settlement:	An illegal occupation of land by persons who construct housing that do not meet laid down urban planning and building regulations
Landlord:	A person who rents/leases property for commercial and economic gains.
Kibera:	An administrative unit (sub location) within Kibra informal Settlement
Kibra:	One of the informal settlements in Nairobi City County
Slum:	It is a densely populated informal settlement that does not meet urban building plans and regulations
Tenant:	A person who pays for land or property owned by another person who is the owner (landlord) for personal use.
Tenure:	The legal acquisition and ownership of property rights on land.

ABSTRACT

Conflicts in Kenya have been common during periods of elections and also frequent during periods when land issues arise. The conflicts sometimes take a violent form and result in ethnic confrontation between different groups. The conflicts have been accompanied by lack of tenure for the residents and lack of real owners or landlords for the rented houses. The aim of the study was to analyze the sources of conflict between landlords and tenants over land in Kibra informal settlement. The objectives of the study included: to examine the sources of land conflict in Kibra informal settlement, to evaluate the effects of land conflicts on the communities living in Kibra informal settlement and to identify strategies used to resolve land conflict in Kibra informal settlement. The study applied social conflict theory. The study used descriptive research design. The sample size of the study was 200 respondents. Data was collected using Focus Group Interviews, Discussions and questionnaires. The study categorized sources of land conflict into two; internal and external factors. The internal factors include: poor housing, lack of key services, poverty, rent overcharge, lack of rent and rent disputes. External factors were: ethnicity, electioneering propaganda, political incitement, uneven resource distribution and lack of implementable government policies. The findings of the study identified the effects of land conflicts to include deprived the tenants of proper services (poor housing conditions), deprived the landlords of income (rent default), land ownership disputes, increased violent conflict, damage and loss of property, negative ethnicity and government administrative challenges. The findings of the study identified strategies to resolve land as a source of conflict to include issuance of title deeds, landlords and tenants meeting their obligations (pay rent and provide better housing services), government to have better legal framework, adoption of landlord and tenant dispute resolution mechanisms, political tolerance to be encouraged, and community-based initiatives (nyumba kumi and community dialogue) to be supported. The study arrives at the conclusion that land is a major source of conflict in Kibra informal settlement, the effects of land conflicts impact tenants and landlords, government, community and the resolution strategy need an all-inclusive and collaborative approach which brings all stakeholders together for a holistic sustainable solution. The study recommends that the government needs to consider and address the issue of land as a source of conflict in other informal settlements in Kenya.

CHAPTER ONE

INTRODUCTION

1.1 Introduction

This chapter contains the background of the study, statement of the problem, objectives, research questions, significance, scope of the study, limitations of the study and assumptions of the study.

1.2 Background of the Study

Land is a key resource today and it is vital within the field of investment and production. Land is important for it provides shelter, facilitates agriculture and the general development of the economy. It plays a key role in fighting poverty and Enforcement of Human rights (UN-Habitat, 2008). Urban Conflict in the world continues to rise as a major problem and one of the main forms in which this conflict presents itself is through land disputes. Urbanization is increasing at a very high rate and most of the population of the world now resides in urban areas. Kenya has been experiencing a rapid growth of informal settlements in her urban centers with more than 34% of its total population living in urban areas and of this, more than 71% in informal settlement (UN HABITAT, 2009). This can be attributed to the many opportunities available within urban areas in terms of education, employment and investments.

More than one billion people live in informal settlements with UN projecting the number to hit two billion by 2030 (UN, 2003). In 1950s, only 15% of the population in Africa lived in urban areas. However, the figure rose by 13% to 28% (1980s) then to 34% in 1990s and is expected to hit 50% by 2020 and 60% by 2030 (United Nations, 2002). Tshabalala (2017) observed that in 1960 Johannesburg was among cities with over one million inhabitants but by 1970 three more cities joined including Cape Town,

Kinshasa and Lagos. By 1980s cities like Abidjan, Accra, Addis Ababa, Dakar, Dar es Salaam, Durban, Harare, Ibadan, Khartoum, Luanda and Nairobi joined the list of cities with growing number of informal settlements.

Presently the urbanization scenario in Africa is quite astounding with Kinshasa in Democratic Republic of Congo (DRC) becoming the 23rd most populous city in the world with over 10 million people while the growth of Lagos (Nigeria) has become a megalopolis in the world after Tokyo and Bombay. The rapid urbanization processes in Africa has happened in the context of poverty and poorly performing economies that has resulted in development of informal settlements. It has also led to increased rural poverty, urbanization of poverty and development of informal settlements.

An estimated 3.3 billion people of urban population live in informal settlements with approximately 1.1 billion slum dwellers in Africa, Asia and Latin America. Informal settlements in this study which implied the same thing as slums have been defined to include settlements that lack permanent housing, housing space both inside and outside the house, access to water, sanitation and social amenities and security of tenure (UNHABITAT, 2018). Jankowska (2010) characterizes informal settlement as squalor, overcrowded, marginalized, poverty ridden, insecure, high health risks and high crime rates.

In India, the slum population in 2001 was estimated to be 75 million and projected to increase to 93 million by 2011 (Government of India, Ministry of Housing and urban poverty alleviation Report 2011). Slum growth in India has risen drastically since gaining independence in 1947. Before 1950 slums were mostly found around mills and factories. But recently, with growth of towns/cities and increased development activities

non availability of housing has led to occurrence of slums and this reflects the deteriorating quality of life in urban areas (Kumar, 2016).

In Europe, slums which are characterized by low standards of housing and living conditions have been witnessed in Spain at 2.9 million people, in Romania 14.4%, in Italy 7.2%. Belarus 45.2% and Ukraine 18% (Rehman, 2024)

In Kenya, urbanization is at the highest in the world at 7.05% according to UNEP. According to KNBS (2010), urban centers have 38% of Kenyans living there with 71% living in slums. Nairobi which is the largest city in Kenya has an average density of 6,247 people per square kilometer totaling to a population of 4,397,073 spread over an area of 703.9 square kilometers (KNBS, 2019). According to the Kenya Population Census report (2010), Nairobi has a population of approximately 1,382,205 slum dwellers. KENSUP (2011) lists 206 informal settlements in Nairobi spread across all the administrative units of the city. Apart from Kibra informal settlement found in Kibra Sub County, another good example is Mukuru found in Makadara Sub County segmented in Mukuru kwa Njenga, Mukuru kwa Ruben and Mukuru Fuata Nyayo, respectively. Informal settlements in Nairobi are the consequences of both explicit government policies and decades of official indifference as they were excluded from city planning (Mutisya and Yarime 2011).

Land conflict is often associated with urban development and specifically informal structures which stem from informal urban development. The greater population of the world already resides in urban areas and this is mostly taking place in major cities. This urbanization has led to many suggestions being put forward for example the idea that poverty is being urbanized. Thus, it is inevitable that land conflicts would arise as a major concern. This is because the land for housing all individuals, especially the poor

is a matter of concern that must always be addressed by the state (Lombard, 2012). There are other issues of pressing importance when it comes to land, such as ethnic conflicts, patronage and corruption that affect major operations within major cities in Africa (Adetula, 2005). These cities are affected by high levels of ethnic and political systems that result in the establishment of a biased system. Corruption often arises from such operations and it relies on the development of these kinds of networks.

Since the colonial period informal settlements were used by Africans who were not allowed in designated residential areas reserved for Europeans and Asians during colonial time (Mutisya & Yarime 2011). Since its inception in 1912 by the Sudanese ex-soldiers Kibra informal settlement residents have had no legal land ownership documents hence its' ownership and occupancy has been greatly contested. This contest became wider in 1990s resulting to conflict between Nubians and other ethnic communities who felt they had a stake in this land which belongs to the government. The willingness and capabilities of successive Kenyan governments to regularize the tenancy of this government land on which the slum sits has never been successful as seen in Morris Carter (1933) Commission, the Njonjo Land Review Commission Report of 1999, Ndungu Land Commission Report of 2003 and Kibra Sub-County Land Committee Task Force Report of 2013. For there has always been resistance by the Nubians on one side and other communities and politicians on the other side which led to violent conflicts like 2001, 2007 and 2013. Kibra informal settlement suffered a great deal during the last post-election violence in Kenya in 2007-2008. Many individuals were displaced and at the same time, destruction of lots of property took place. This was accompanied by many other tragedies such as deaths, property loss, and trauma among other things.

The study focused on urban land conflict between Nubians and other communities in Kibra informal settlement, Nairobi City County from 2001 to 2019. Nubian land has been taken forcefully by the locals who take advantage of electoral violence to displace them and inherit their houses and land (Parson 1999). The Nubians claim that they were the original settlers of Kibra since 1928 and even tried to acquire a community title deed for this land. This contention has resulted in other complicated problems such as the conflict between members of the Nubian community as the landlords and tenants who are generally from other communities. This research study focused on bricolage as a structure and how it can result in higher levels of conflict despite it being helpful in aiding negotiations. The analysis intends to show how the political and ethnic associations of the land have resulted in high levels of conflict. The analysis also provides understanding to certain processes within the conflict such as the Nubian opposition to the upgrading of the informal settlement.

1.3 Statement of the Problem

Land has been a source of emotional disagreement between landlords and tenants for a long period of time in Kibra informal settlement. The occupation of Kibra informal settlement is characterized by multi-ethnic communities comprising of Nubian, Kikuyu, Luo, Luhya, Kamba, Kisii and others that experience tribal conflicts every periodic election. Land conflict in urban informal settlements worldwide presents contention on land tenure and conflict in global urbanization (Lombard, 2012). The Nairobi City County 2018-2022 CIDP notes that the complexity of land issues in the county has affected a big portion of residents both the non-poor and the poor with the poor living in informal settlements and bearing the highest burden of landlessness with over 450,000 households. Research strategies for dealing with urban conflicts focus on techniques used by the Governments and donor organizations (Bjorkdahl, 2010;

Bollens, 2008). For informal settlements, the strategies commonly used to mitigate conflict are providing upgrades, legal procedures for controlling informal arrangements, and restructuring the governance. However, some of these strategies end up resulting in major and uncontrolled conflicts instead. It is important to understand the processes involved in urban land acquiring as it can help to improve planning in growing cities. The study therefore, was to assess the conflict brought about by ethnic differences which have been found to exist between the landlords and the tenants in the eight sub locations of Kibra informal settlement which are Lindi, High Rise, Gatwekera, Siranga, Olympic/Kianda, Laini Saba, Kibera and Makina.

1.4 Objectives of the Study

1.4.1 General Objective

The study aim is to analyze the sources of land conflict between landlords and tenants over land in Kibra informal settlement.

1.4.2 Specific Objectives

- i. To examine land as a source of conflict in Kibra informal settlement from 2001 to 2019.
- ii. To evaluate the effects of land conflicts on the communities living in Kibra informal settlement from 2001 to 2019.
- iii. To identify strategies to resolve land conflicts in Kibra informal settlement.

1.5 Research Questions

The study was guided by the following questions:

- i. What are the sources of persistent land conflicts in Kibra informal settlement?
- ii. How do land conflicts affect people living in the Kibra informal settlement?
- iii. How can the land conflicts in Kibra informal settlement be resolved?

1.6 Justification and Significance of the Study

The study on land conflict in Kibra informal settlement is very timely and important. It will help the government to understand the problems experienced by survival of residents in Kibra informal settlement who live in substandard rented houses. The study will contribute to understanding the problems experienced by the residents who have no leases and who are dependent on unreliable landlords for their daily upkeep.

Academically, the study will add to the intellectual upkeep and add knowledge to the library of knowledge on the informal settlement and on how residents interact with landlords in informal settlements. The study will propose policy changes to address the challenges facing urban expansion, planning, and peace building in informal settlements.

1.7 Scope of the Study

The study was conducted in the eight sub locations of Kibra informal settlement including Lindi, High Rise, Gatwekera, Siranga, Olympic, Laini Saba, Kibera and Makina. The informal settlement is situated about 5 kilometers on the South-West of Nairobi City and covers an area of approximately of 3.5 square kilometers with a population of 185,777 people according to 2019 Kenya National Population and Housing report (KNBS 2019). The study time scope covered the period between 2001 and 2019.

1.8 Limitations of the Study

Kibra informal settlement harbors many ethnic groups with different competing interests. Some of the people are resident landlords while others are resident tenants; some landlords are not resident in Kibra. This scenario proved to be major limitation in

the study. The researcher concentrated only on those who were resident tenants and landlords.

Kibra residents from different ethnic groups may have different opinions on the problem being researched hence provide incorrect information. The researcher overcame the problem by approaching participants who were exposed and willing to cooperate and provide the required information while avoiding those respondents who could not cooperate.

The terrain in Kibra informal settlement may also provide a challenge to the researchers hence make it difficult to target the right participants. This was overcome by the researcher employing research assistants who were conversant with terrain of Kibra informal settlement and also conducting the research when the area was dry.

1.9 Assumptions of the Study

- i. Land is a major source of the conflicts that often occur in Kibra informal settlement.
- ii. The conflicts have far reaching socio-economic impact on the residents of Kibra informal settlement.
- iii. Internal amicable solutions can be obtained from conflict management mechanisms.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter presents the literature review and theoretical framework of the study. The literature review comprises of land related conflicts between tenants and landlords in the informal settlement of Kibra with an aim of understanding their causes, effects and strategies to resolve them. The literature review also entails discussions of the issue of land conflicts in informal settlements from an international, regional and local perspective by taking case of Kibra informal settlement. All this was undertaken with an intention of establishing the causes and effects of land conflicts in informal settlement and thus help to propose sustainable strategies to resolving land conflicts in informal settlements.

2.1.1 The Concept of Land tenure, Land Conflict and Urban Informal Settlements

According to Water Aid (2009), land tenure defines the land holding system that is the result of various strange circumstances that arise from politics, economy, culture or religion, whereby land is regarded as a natural resource. This definition also encompasses the various rules and regulations involved with land and its development. UN HABITAT (2012) report shows that land tenure and property rights are often used interchangeably. There is a major difference though, between the two terms. The land tenure rules define how property is distributed within a society. The report also indicates that land disputes often result in conflicts. Land is a key political, social, economic resource (Lonsdale, 2008) and a source of income and hence there is likely to be conflict.

According to Nyam and Ayuba (2016) in African sense, the land is associated with history and tradition, with respect to religion and ancestry. Lonsdale (2008) says that land in Kenya perspective employs three idioms; some ‘understand’ it, others ‘control’ it and others ‘work’ it. Most individuals argue about land based on their ancestry or history of the land. USAID (2005) denotes that the understanding of land should be done in four major ways; legally, through government, operationally and politically. These four ways provide a major understanding of the major activities that take place in controlling and managing land and the conflicts that it brings.

2.1.2 Ethnicity as a Source of Land Conflicts in Informal Settlements

Payne et al (2014) notes the high pace of urbanization and people living in urban settings in the past century. APHRC report of 2014 indicates that there are approximately 2.5 million slum dwellers in more than 200 informal settlements in Nairobi representing 60% of the Nairobi population and occupying 6% of the land. Of this Kibra informal settlement houses about 250,000 people. In Asia, almost half of the population lives in cities while in Africa it is estimated by 2035 there will be an increase in urban living. UN HABITAT (2018) approximates that informal settlement population might increase to two billion by 2030.

Studies show that the Kenyan government owns all the land in Kibra informal settlement with 10% of people here being shack owners (APHRC, 2014). That, Kibra, which means forest in Nubian language was designated as a military reserve for exSudanese soldiers of the Kings African Rifles (KAR). It was surveyed and registered in 1917 measuring 4197.9 acres. But in 1928, the original military permit was withdrawn arbitrarily and changed with a civilian one that offers only a temporary

permit. It remained so until the 1950s when European settlers hived off large chunks to put up sports/recreational and residential facilities (Mbaria 2002).

After independence, the exercise was continued with development benefiting people from other ethnic communities (Kikuyu) at the expense of the ‘natives’(Nubians who are the first settlers); which due to the massive abuse of office, corruption and political expediency coupled with rural-urban migration, Kibera gradually changed from a village into a big informal settlement rendering the Nubians landless. The original settlers (Nubians) occupy about 15% of the land. Other land owners are mostly Kikuyu who do not live there but are absentee landlords (APHRC, 2014). As a result, the Nubians started petitioning the government to allocate them their own area under the name ‘the Nubian Village’. This was met by opposition from politicians and other ethnic communities who wanted to be considered in allocation of the same targeted and contested area (Mbaria, 2002) hence heightened tensions between Nubians, landlords and tenants.

When petitioned, the government through the Ministry of Lands initiated the process of giving a communal title to the Nubians in 1997 and 2013 by the Minister/Cabinet secretary for lands, settlement and urban development Hon. Noah Katana Ngala and Hon. Charity Ngilu respectively. This has never been realized because other ethnic communities, politicians and structure owners have always opposed this through the court and even violently like in 2001 and 2013. As a result, the conflict in land ownership pitting Nubian and other ethnic communities in Kibera has continued to persist.

Honourable Raila Odinga, an eminent national political leader and other politicians allied to opposition, have made use of the social and patronage networks to turn Kibera

into their stronghold (Elfverson and Hoglund 2019). This defines the political and ethnic structure of Kenyan politics and also the allocation of resources Haugerud (1995). Violence has often arisen between the Nubian and different communities within Kibra informal settlement as result of political activities and ethnicity. Severally, there have been political clashes between the tenants and Nubian and Kikuyu landlords such as 1995 and 2001. The occurrence of 2001 was triggered by Raila himself, who wanted the rent for Kibera tenants to be lowered by half. Kibra also suffered a great deal during the post-election violence of 2007/2008.

Mbaria (2002) observes that the Nubian still live in Kibra as squatters as they lack any legal entitlement to land. Despite the Nubians being the original land inhabitants of Kibra, the National Land Commission (NLC) is yet to legalize their land ownership rights. The Nubian often find themselves in conflict as the government continuously demolishes their homes to pave way for development projects. The situation seems to be changing. However, there is a new feeling that all long-term residents of Kibra should be given consideration for land entitlement.

Dafe (2009) emphasizes that while individual informal settlements are ethnic metropolitan there still exist a divide along ethnic affiliations especially where there exist a dominating ethnic group. This ethnic arrangement is associated by the fact that migrants search for housing based on social networks intertwined with ethnic identities. From the above discussion ethnicity can be considered as a major cause of land conflicts in Kibra informal settlement.

2.1.3 Politics as a Source of Conflict in Informal Settlements

Land allocation in urban informal settlement is associated with government officers, ethnicity and politics. Wehrmann (2008) identifies the state of Amazonas, Brazil as a

clear example of land allocation by state officers where a third of the land is illegally appropriated to Agrarian officers. In Nairobi, according to the constitution, the national government administrative officers represented by chiefs are entrusted with supervising informal settlements. Moreover, national government officers adjudicate land allocation in informal settlements to private developers or individuals. This discretion of land allocation in informal settlements has increased land conflicts as they are not accompanied with legal documentation.

Nyam and Ayuba (2016) observe that power sharing is done based on land ownership among other issues such as town ownership, settlements and people's origins. More so, based on existing evidence, the elite members of society may work together to reap benefits from community resources by causing conflict. The indigenous individuals always believe they have rights to the land for reasons that they existed on the property longer and have ties to it by lineage. This often results in high levels of political competition which is often accompanied by other factors like religion, and ethnicity. In this way, political factors end up being contributors in land whereby some consider themselves indigenous owners to a piece of land and others are considered settlers in the specific land.

2.1.4 Effects of Land Conflicts on residents of Informal Settlements

Wehrmann (2008) says land conflicts have negative effects both on individual and national economy as it increases costs, slow down investments, loss of property and tax reduction to both county and national government. To him, land conflicts increase social and political instability which results in sales of land, evictions, land grabbing among others. It also causes loss of trust in government institution especially those that handle

land matters. This situation of land conflicts leads to violence that causes both social and political instability.

Lombard (2012) argues that conflict behavior does not always have negative impacts. Most sociologists believe that conflict is a major dynamic that defines various societal relationships and the general structure within the social spectrum. Conflict can be beneficial in modern society by setting opposition that forms the structure of democracy and modern life. Conflict may also be a precursor to change.

Mutisya and Yarime (2011) believe that the increase of informal housing or slums within local urban areas in Kenya is being caused by rapid urbanization. Whereas slums have always been within Nairobi since the city's birth, the development of slums can be attributed to the pre-independence period where there were high levels of segregation by the colonizers who divided settlements according to the races of different individuals who inhabited the city. Poor allocation strategies for housing resulted in the development and growth of slums. After this colonial period, poor settlement strategy resulted in the increase of informal settlement, as the population within the urban centers was increasing rapidly.

According to Mbaria (2002), government officials continued to allocate land along tribal, ethnic and nepotism while neglecting the Nubians thus victimizing them as incomers and so do not warrant land allocation. The insecure land tenure system characterized by the slum most of which are developed on government and privately owned land has continued to raise issues on who should benefit from this land that the slum sits on. The distorted allocation of land especially by the National Government Administrative Officers, the Nairobi City County Government Officers and Ministry of

Land officers has created a situation of legal and ethnic uncertainty. Ethnic polarization continues to be a major problem in Kibra informal settlement.

Peters (2004) and Green (2004) have suggested the regularization of tenancy which determines who finally benefits as a sensitive issue for it impacts strongly on the landlord/structure owners-tenants relationships. That, structure owners-tenants relationship is generally conflictive and characterized by power and imbalances. Frequent violent conflicts between landlord and tenants over rent issues, arrears, nonpayment suggests that housing as an issue can be politicized by informal settlement dwellers. And that for there to be a good relationship between the structure owners of Kibra informal settlement and their tenants, then the correct/acceptable/right process of formalizing land ownership should be followed to the latter.

The efforts by the government to get a solution to the land conflict in Kibra informal settlement have not borne any fruits up to now. The government has been unable to fulfill promises or implement land issuance project as it considers the matter sensitive as it raises political tension among the communities (Mbaria, 2002). For instance, in 2001 Kibra slum experienced rent riots sparked by the former president Moi instructions to the tenants not to pay increased rents in a public rally on 7th, December 2001. In order to solve this problem, various commissions have been set up to look into the issue of Kibra informal settlement land issues. In January 2002 while collecting views of the land chapter, the CKRC was asked to consider settlement of the Nubian of Kibra slum in other parts of the country as a solution to the land tenure conflict. Likewise, they instructed the Njonjo Commission in 2001 to issue them with title deeds. In October 1997, Hon. Noah Katana Ngala (Minister for Lands and Settlement) acknowledged government willingness to provide a long-term solution through the

Squatter Settlement Program. A recent effort by the government was through the Hon. Charity Ngilu (Cabinet Secretary for Lands, Housing and Urban Development) who initiated the issuance of titles to Nubian Village which caused a lot of tension in Kibra informal settlement with other ethnic communities questioning why they were being left out. As a result, the process was halted leaving the land legalization in Kibra informal settlement to persist.

2.2 Theoretical Framework

The study adopted the social conflict theory. A Marxist theory which argue that, individuals and groups within society interact on the basis of conflict rather than consensus. That, the more powerful groups are, the more likely they use their power to exploit others (Kalande, 2008). It was supported by two broad fields of study: The urban poverty research (development and urban planning) interconnections between urbanization, land tenure and conflict and the development significance of land tenure (Abrams, 1964). In Kenya, life is defined by ownership of land. People have interest in land for various reasons. Due to convergence of the many interests in land, the possibilities of land disputes are always a real likelihood. People conflict with one another because they want to safeguard their interests against hostile claims from other people. In the process, there are losses including socio-economic ones. Given that land has been at the center of conflict in the country since independence, this theory is relevant to the study. Land conflicts can be understood thus through the Social Conflict theory in Kibra informal settlement. The conflicts in Kibra are based on ethnic factors and political differences between ODM supporters and other political party supporters as witnessed in 2001, 2007 and 2013 conflicts. There is also, the Nubian factor where

Kenyan nationals feel that the Nubians are chipping off parts of their land fortune. Socially, residents of Kibra informal settlement live and interact ethnically according to their interests. For example, the interest of Kikuyu and Nubi who are landlords is to retain and own the large portion of the settlement barring others including government access to development in the area. On the other hand, the interest of the other ethnic communities (tenants) is to lease housing units with proper services and conducive living environment which are few hence competition and hiking of rent. Politically, people living in Kibra are affiliated to different political parties with different ideologies and competing for votes when it comes to electioneering period as the results of the study depict.

2.3 Conceptual Framework

The Conceptual Framework for the study was divided into sub-variables; independent, dependent and intervening variables. Independent variables included: land as a source of conflict, ethnicity in influencing conflict, politics as a source of conflict and effects of land conflicts on communities living in Kibra informal settlement. The dependent variable was the conflict between tenants and landlords in Kibra informal settlement. The intervening variables included: the social status, legal Framework and land politics as represented in Figure 2.1

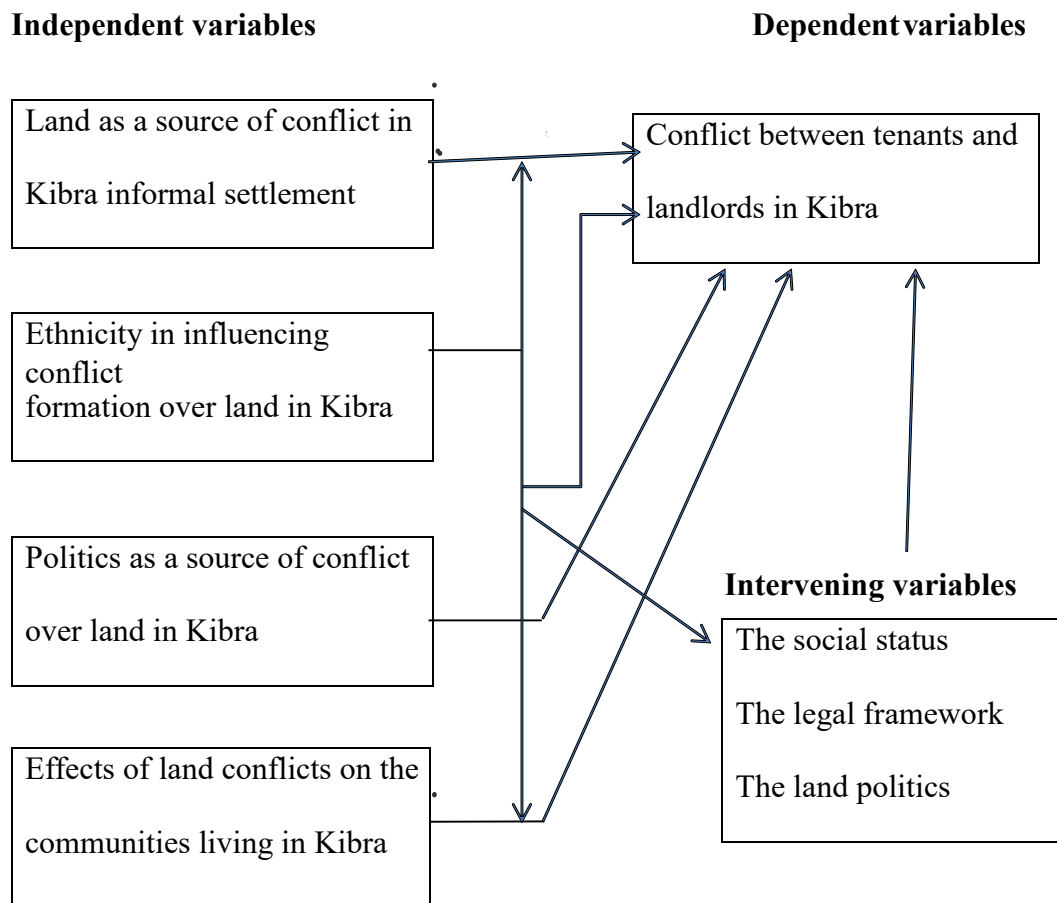


Figure 2.1 Conceptual Framework

Source: Researcher (2022)

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter focuses on the research design, target population and sampling procedures, sample size, research instruments, their validity and reliability, the data collection and analysis of the study.

3.2 Research Design`

In this study, the descriptive mixed method of research widely used in social researches was used that included both qualitative and quantitative methods. A mixed research method uses complementary strength, triangulation, flexibility, increased response rates, and a wider reach hence providing a more comprehensive understanding of the research question and increase the validity and reliability of research findings. The quantitative research was in form of close ended questions in a questionnaire while structured and open-ended questions in a FGD and interviews constituted the qualitative part of this research.

3.3 Location of the Study

The research was carried out in Kibra informal settlement. The settlement is situated about 5 kilometers on the South-western side of Nairobi City and covers an approximate area of 3.5 square Kilometers with a population of 185,777 people according to 2019 Kenya National Population and Housing Census Report (KNBS 2019). The research targeted all the 8 Sub-Locations (Highrise, Siranga , Laini Saba, Lindi, Kibera, Makina, Gatwekera and Olympic/Kianda).

3.4 Target Population

The study targeted the population of 185,777 people living in Kibra as per the Kenya National Population and Housing Report (2019). A target population of 1000 entities

was included in the study. A sample of 188 was drawn from the 8 sub-locations representing 20% of the target population as per the sampling formula by Mugenda and Mugenda that a sample size of Kibra informal settlement including Lindi, HighRise, Gatwekera, Siranga, Kibera, Olympic, Laini Saba and Makina between 10% and 30% is representative enough for a population target of 1000 entities.

3.5 Sampling Techniques

The study adopted both purposive and random sampling methods. A sample of 200 was drawn from the 8 sub-locations representing 20% of the target population as per the sampling formula by Mugenda and Mugenda that a sample size between 10% and 30% is representative enough for a population target of 1000 entities.

The study also used Spatial stratified sampling by dividing the target population into various strata (sub locations) and simple random/probability sampling techniques for the research is interested in generalizing the findings derived from the sampling to general population.

The sample of the study was given an equal opportunity to participate in the study. 80 respondents (structure owners and tenants) were randomly selected from the eight sublocations. Other key respondents included the government administrators, Kibra SubCounty Peace Committee members, Community elders, Politicians and Community Rights Groups.

Table 3.1 Sampling Frame

Category of Respondents	Number of Respondents	% of Study Sample
Structure owners and tenants	75	40%
Government administrators (Deputy County commissioner, Assistant County commissioners, Chiefs and Assistant chiefs)	9	5%
Politicians (member of parliament, members of county assembly, political party leaders)	9	5%
Groups (SCPC, Kibra sub-county land committee and Nubian Rights Forum) Residents	18	10%
Kibra residents (Nubian, Luo, Kikuyu, Luhya, Kamba and Kisii)	77	40%
Total	188	100%

3.6 Research Instruments

The study employed questionnaires to collect data as it gathers data over a large sample. In this research, structured questionnaires were used to collect data from the selected respondents. The researcher also used FGDs and interviews that were used to generate qualitative data. The study used both closed and open-ended questions set and were administered to each respondent. This instrument is suitable because this being an urban area, most of the respondents are able to read and write. The questionnaire was administered to the 188 respondents with the help of research assistants recruited from

the study area who were taken through an induction on how to administer the questionnaire.

3.6.1 Reliability

To establish the instruments' reliability, a pilot study was conducted in a similar informal settlement where it matched the conditions as of Kibra. The respondents were asked to indicate the questions they find difficult to answer. This was used to make amendments to the questionnaire to avoid ambiguous response.

3.6.2 Validity

Interviews and questionnaires were valid and reliable because this is investigative research hence, they helped in getting detailed information used to explain the statistics for the research. Respondents express themselves freely whereas the researcher gets the chance to use direct observation to collect key data. Also, these tools are flexible, have a high response rate and allows for clarification and translation of the questions. The questionnaire was subjected for testing among a non-sample group of respondents with similar characteristics as the main participants. This enabled the result to be examined, discussed and validated to make the final copy to be administered in the research.

3.7 Data Collection

After the approval of the research proposal by Research Proposal Approval Board of Kenyatta University, the researcher applied for a Research Authorization from NACOSTI. The researcher then reported to Deputy County Commissioner and SubCounty Education Officer in Kibra Sub-County in line with research permit requirements before commencement of field data collection exercise.

The researcher employed two research assistants and four community guides who were trained on how to administer the questionnaires and FGD. The researcher was personally in charge of conducting all interview schedules with key informants.

Appointments for interview were made and honored.

3.8 Data Analysis

Data analysis is a process involving the systematic organization and arrangement of raw data (Miles and Huberman, 1994). Both qualitative and quantitative data were generated within the study and edited, organized and coded to make it suitable for analysis which was done using the Statistical Package for Social Science (SPSS). This was then used to draw conclusions for the research. Data from structured interviews were analyzed for conclusion drawing and recommendations. Qualitative data was categorized and used to offer clarifications, verifications and explanations to deductions emerging from the qualitative data.

3.9 Data Management and Ethical Considerations

In keeping with ethical considerations, the researcher first obtained permission for collecting data from the university through the graduate school at Kenyatta University and NACOSTI. Second, the researcher visited the selected Sub Locations for coordination purposes with the respective Assistant Chiefs. Third, since views and beliefs; objectivity, confidentiality, respect of one's beliefs and values and flexibility were highly observed.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.1 Introduction

The chapter discusses the findings of the study from the 188 respondents based on the three main objectives that included: to examine land as a source of conflict, to evaluate the effects of land conflicts on the communities and to identify ways to resolve land conflicts in Kibra informal settlement.

4.2 Response Rate

Out of the 200 respondents who were sampled, the questionnaires were administered to 188 respondents making a response rate of 94%. This high rate of response was attributed to the target population purposively done by choosing the structure owners/landlords (Kikuyu, Nubian, Luo, and Kisii) and tenants (Luo, Luhya, Kamba, Kisii and Kikuyu), Government Administrators (Deputy County Commissioner, Assistant County Commissioners, Chiefs and Assistant Chiefs), Politicians (member of parliament, members of county assembly, political party leaders), Groups (SCPC, Kibra sub-county land committee and Nubian Rights Forum) and Kibra residents (Nubians, Luo, Kikuyu, Luhya, Kamba, and Kisii) who were readily available and understand the area very well.

Table 4.1: Response Rate

Response	Respondents	Percentage (%)
Responded	188	94 %
Non-Response	12	6%

Source: Field Data (2022)

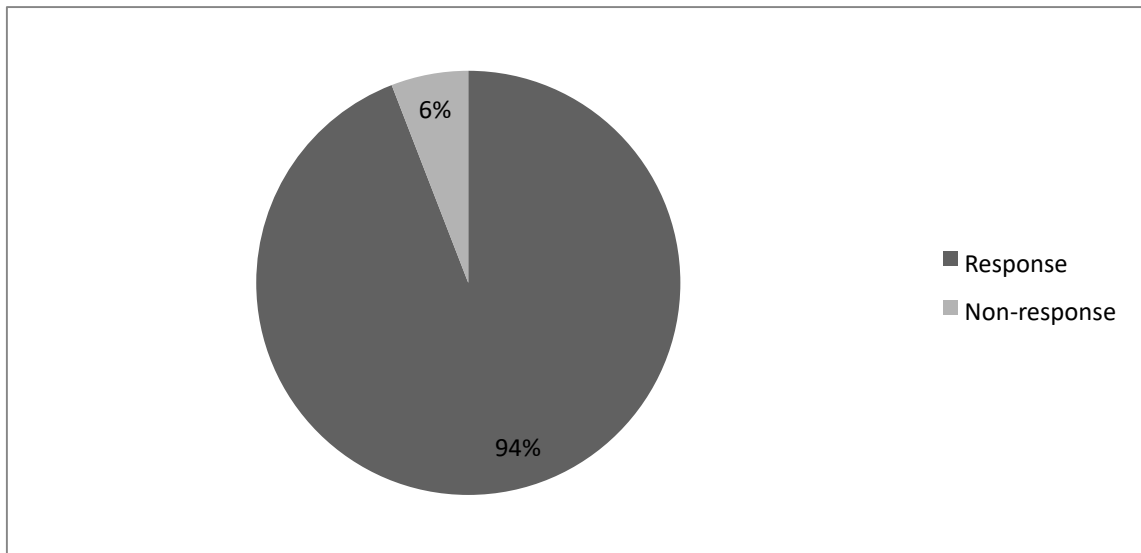


Figure 4.1: Response Rate

Source; Field data (2022)

Table 4.2: Distribution of questionnaires as per sub location

		Frequen cy	Percent	Valid Percent	Cumulative Percent
Val id	Soweto	24	12.8	12.8	12.8
	Siranga	15	8.0	8.0	20.7
	Laini Saba	22	11.7	11.7	32.4
	Lindi	21	11.2	11.2	43.6
	Kibera	22	11.7	11.7	55.3
	Makina	32	17.0	17.0	72.3
	Gatwekera	19	10.1	10.1	82.4
	Olympic/Kianda	33	17.6	17.6	100.0
	Total	188	100.0	100.0	

Source: Field data (2022)

4.3 Demographics of the study

The researcher administered 188 questionnaires across the 8 sub locations found in Kibra informal settlement and held one FGD besides undertaking interviews with key informants who included political party leaders, chiefs and community elders. Getting background information from respondents is required for one to develop a strong relationship between the respondents and researcher (Kavale, 2011). The respondents

of the study were purposively targeted as they were best positioned in the community to give detailed information on conflict between landlords and tenants over the land in informal settlement of Kibra from 2001 to 2019. The respondents were asked about their sex orientation, age, area of residence, length of stay and current status of employment.

85% of the landlords mostly Kikuyu and Nubians and residing mainly in Olympic, Kianda, Makina, Soweto/Highrise and Laini Saba reported to have stayed or owned structures in Kibra for more than 15years while 15% including Luo, Kisii and Luhya who came in after the 2007/2008 post-election violence and had lived in Kibra for less than 15 years.

Table 4.3: Age distribution

Age of respondent	Frequency	Percent	Valid Percent	Cumulative Percent
18-25	24	12.8	12.8	12.8
26-33	38	20.2	20.2	33.0
33-40	37	19.7	19.7	52.7
40-47	20	10.6	10.6	63.3
47 and Above	69	36.7	36.7	100.0
Total	188	100.0	100.0	

Source: Field data (2022)

Slightly more than half (50.5%) of those interviewed were aged between 25-47 years closely followed by those above 47 years at 36.7% and below 25 years at 12.8%. The age of respondents in the study was important for the research was targeting those who had lived in Kibra for more than 15 years.

Table 4.4: Resident's Years of stay

	Years of stay	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Less 5	29	15.4	15.4	15.4
	6-10	14	7.4	7.4	22.9
	11-15	42	22.3	22.3	45.2
	16-20	39	20.7	20.7	66.0
	21 and Above	64	34.0	34.0	100.0
	Total	188	100.0	100.0	

Source: Field data (2022)

The study sought to know for how long the respondents had stayed in Kibra for it focused on those who had lived here long enough to recall events going back to 2001. More than 77% of the respondents reported to have stayed in the Kibra informal settlement for more than 10 years where as another 23% had lived here for under 10 years. The findings of the study therefore suggest that, 77% of the respondents were mature and had lived here for a period of time to recall the land and political conflicts in Kibra from 2001-2019.

The study also identified gender and employment as key cross-cutting social determinants for our understanding of the conflict between landlords and tenants over the land in Kibra informal settlement.

The study established how gender and employment were key social determinants through cross-tabulation to identify how gender and employment were represented across the respondents. This is in agreement with Omoka (2020) who believes that the high rate of unemployment in informal settlements compounds conflict risks as indications show that the young easily become militia groups who then reside in strategic parts of the informal settlements to protect particular interests.

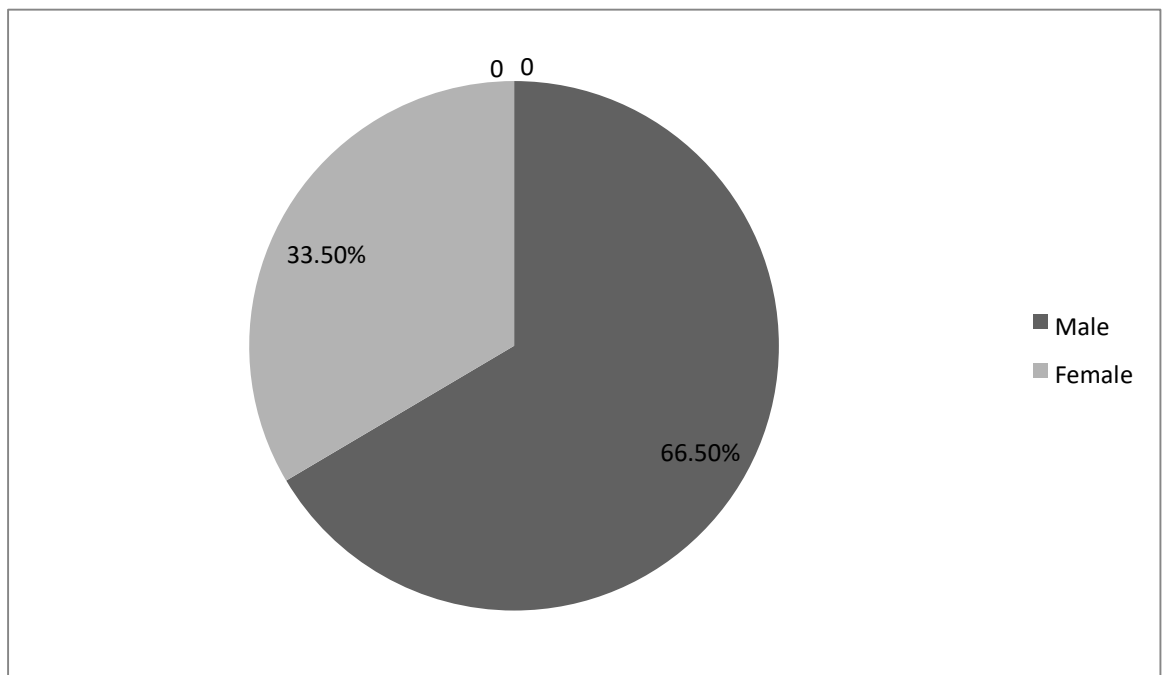


Figure 4.2: Gender of the respondents

Source: Field data (2022)

The study established the results of the gender distribution of the respondents as 66.5% male and 33.5% female. This implied that majority of the residents here are male. That, both male and female were victims or perpetrators of land conflicts in Kibra informal

settlement when it comes to rent default, demonstrations, evictions and even political gatherings. The high percentage of male is a true testament that the informal settlement is largely inhabited by male who are always on the forefront when it comes to issue conflicts and bread winners to family. On the other hand male are always on the receiving end when it comes to dealing with this conflict by law enforcers and retaliation from other communities. They get killed, injured and arrested. Therefore, it the male who bare the big burden during conflicts in the informal settlements.

Table 4.5: Employment status

Employment Status						
			Employed	Self-Employed/ Business Person	Unemployed	Total
Gender	Male	Count	17	68	40	125
		% within Gender	13.6%	54.4%	32.0%	100%
	Female	Count	34	3	26	63
		% within Gender	54.0%	4.8%	41.3%	100%
Total		Count	51	71	66	188
		% within Gender	27.1%	37.8%	35.1%	100%

Source: Field Data (2022)

The findings of the study show that male and female respondents who are unemployed were 32% male and 41% female while those who were employed, self-employed or doing business were 68% male and 59% female respectively. The social demographics of gender and employment status were key social determinants as they help to understand the capacity to pay rent and also why default of rent payment despite a good percentage having an income. The findings show that though most of the residents here

are employed or are doing business, the rate of rent default and disputes remain high. Probed further the FGD revealed that most of those employed do manual jobs which are low paying and not permanent. And given the current state of economy in Kenya the wages which is approximately Kshs.500 a day is not adequate to cater for the daily subsistence needs of the families. Also, those who do business are small scale (vendors); the green grocers and Jua Kali artisans whose capital is low hence making small profit margin. This concurs with the UN Global report on human settlement (2003) that informal settlements are characterized by low incomes, limited assets, low skilled employment such as domestic help, waiter, bar maid, guard and construction labor, small business owners (kiosk owners) and other income generating activities.

4.4 Land as a source of conflict between landlords and tenants in Kibra informal settlement

The first objective of the study was to examine the sources of the land conflict between landlords and tenants over land in informal settlement of Kibra. The study sought to establish whether land was a source of conflict and the reasons why landlords and tenants in informal settlement consider land as a source of their conflict.

The study adopted Likert scale type of research statements and open ended FGD questions to ask whether land was a source of conflict between the landlords and tenants in informal settlement of Kibra. Using a Likert scale of 1-5 whereby, 1 represented Strongly Agree, 2- Agree, 3- Neutral, 4-Disagree and 5-Strongly Disagree respectively. The response was as in the Table 4.6.

Table 4.6: Land as a Source of Conflict

Land Tenure	Frequency	Percent (%)	Cumulative Percent (%)
Strongly Agree	73	38.8	38.8
Agree	38	20.2	59
Neutral	23	12.2	71.3
Disagree	24	12.8	84
Strongly Disagree	<u>30</u>	<u>16</u>	100
Total	188	100	

Source: Field Data (2022)

The findings of the study indicate that 59% of the respondents agree or strongly agree while 28.8% disagree or strongly disagree and 12.2% are not sure that land tenure has been a source of conflict in informal settlement of Kibra since 2001. 95% of participants in the FGD strongly agreed that Kibra informal settlement land which has been in contention since its inception in 1912 has been a key contributor to the perennial conflicts that have occurred here since 2001. That, the claim by Nubian community as the bonafide owner is baseless since this is government land and that other communities have a share.

The findings of the study having found that majority of respondents considered land as a source of conflict the study went further to interrogate why this was so. The study asked the respondents to give reasons why they considered land as a source of conflict in Kibra informal settlement as outlined below.

The respondents had various reasons to why land is considered as a source of conflict in Kibra informal settlement. The reasons were categorized into two depending on their

relation to the tenants and landlords in the informal settlement. These categories were internal and external factors that contributed to land being a source of conflict in informal settlement of Kibra. This is consistent with the UN HABITAT (2012) report which shows that land is an economic resource and source of income thus its ownership and use often result to conflicts.

4.4.1 Internal Factors to Land as a Source of Conflict in Kibra

The study categorized internal factors to issues that directly affect the tenants (Luo, Luhya, Kisii, Kamba, and Kikuyu) or landlords (Kikuyu, Nubians, Luo and Kisii) on a regular basis as occupants and residents of informal settlement of Kibra with regard to matters land and housing. Here, tenants compete in leasing structures that meet UN Habitat standards which are few. For those that do not meet, tenants coalesce along ethnic groupings in defaulting rent with reason that they do not get better services from structure owners. These internal factors which vary socially from one sub location to another include poor house structures and living conditions, provision of key services by the landlords, lack of legal land ownership documents, poverty, disagreement in rent payment, rent overcharge and lack of rent. Poor houses, poor services, poverty and rent default were mainly found in Gatwekera, Lindi and Siranga areas dominated by Luo and Luhya communities which politically align, with Orange Democratic Movement party. Lack of legal land ownership documents and rent disputes cut across all the sub locations. While, rent overcharge where tenants are charged slightly higher compared to other areas in the informal settlement is experienced in Laini Saba, Highrise, Makina and Olympic/Kianda where housing conditions are slightly better. Also, residents here are believed to align with the government of the day giving them power over other which they in turn use to exploit them; Moi government in 2001, Kibaki in 2007 and Uhuru in 2013 and 2017.

Table 4.7: Internal Factors to Land as a Source of Conflict in Kibra

Factors	Frequency	Percentage (%)
Poor House structures and conditions	52	28
Lack of provision of key services by the landlords	38	20
Lack of legal land ownership documents	33	18
Poverty	23	12
Rent disputes	19	10
Rent overcharge	14	7
Lack of rent	9	5
Total	188	100

Source: Field Data (2022)

The findings of the study show internal factors to land as a source of conflict in Kibra informal settlement as 28% of the respondents believed that poor housing was one of the main causes as the structures are made of earth floor, mud walls, leaking roofs, dilapidated and old. 20% said lack of provision of key services like water and toilets by landlords. 18% believed that lack of legal land ownership documents was a factor for it is the chiefs who allocate and arbitrate land cases. 12% saw poverty as a factor because most people here are unemployed or earn peanuts from the casual jobs they do as earlier discussed. 10% had disagreement over rent payment due to frequent increase and poor services. 7% felt rent overcharge was a contributing factor and 5% said lack of rent was also a determinant.

The first three factors are consistent with the UN definition of an informal settlement defines as a settlement with poor houses, poor water and sanitation services, inadequate space and insecure land tenure which if not handled well results into conflicts. The findings also agree with Beatley (2000) who asserts that the major informal settlements in Nairobi (Kibera, Mukuru and Mathare) are characterized by lack of security of tenure, a fact that has been used

to explain the reluctance to improve housing and related infrastructure services. The above reasons are considered as the internal sources of the conflict between landlords and tenants over the land in Kibra informal settlement.

The study sought further to examine how these internal factors contribute to tenant and landlord conflicts in the informal settlement of Kibra. Using a Likert scale, the respondents were asked whether these internal factors contributed to land tenure conflicts, whereby 1 represented Strongly Agree, 2 - Agree, 3 - Neutral, 4 - Disagree, and 5 – Strongly Disagree respectively. The results were as indicated in Table 4.7.

Table 4:8: Descriptive Statistics on Internal Factors

Descriptive Statistics							
	N	Minimum	Maximum	Sum	Mean		Std. Deviation
	Statistic	Statistic	Statistic	Statistic	Statistic	Std. Error	Statistic
OB1Land Tenure Source Conflict	188	1	5	464	2.47	0.109	1.5
OB1 Rent disputes	188	1	5	402	2.14	0.088	1.207
OB1Rent Overcharge	188	1	5	378	2.01	0.09	1.232
OB1Lack of Rent Payment	188	1	5	365	1.94	0.085	1.171
OB1Poor Housing Landlords	188	1	5	398	2.12	0.096	1.315
OB1Lack of provision of Services in Facilities by the Landlords	188	1	5	433	2.3	0.102	1.395
OB1Land Ownership	188	1	5	372	1.98	0.091	1.254
OB1Lack Of Legal Land Ownership	188	1	5	402	2.14	0.088	1.207
OB1Poverty	188	1	5	378	2.01	0.09	1.232
Valid N							

Source: Field Data (2022)

Table 4.7 presents descriptive statistics of responses of internal factors that contribute to land as a source of conflict in informal settlement of Kibra. The study having categorized these factors as internal was because they directly relate with both the tenants and landlord in informal settlement. The findings of the study demonstrate that lack of rent caused by poor earnings (approximately Kshs. 500 a day and rent of up to Kshs. 5000 a month per room) and high rate of unemployment and land ownership (absence of legal documents) are the most influential factors with a mean 1.94 and 1.98 respectively. The findings indicate that poor housing structures which do not meet UN standards (permanent, enough space, water, sanitation, social amenities and security of tenure), high poverty level, rent payment disputes and rent overcharge were the least influential in contributing to land as a source of conflict. The factors are consistent with Beatley (2000) who says that the major informal settlements in Nairobi (Kibra, Mukuru and Mathare) are characterized by lack of security of tenure, a fact that has been used to explain the reluctance to improve housing and related infrastructure services in these settlements by the government.

The findings of study having established how internal factors contributed to land conflicts in the Kibra informal settlement further inquiry shows how external factors played a role and the findings were as discussed below.

4.4.2 External Factors to Land as a Source of Conflict between residents of Kibra informal settlement

The study categorized external factors to issues that indirectly affect the tenants or landlords on an irregular basis as occupants of informal settlement of Kibra from 2001-2019. These external factors include ethnicity where land allocation and settlement is done through nepotism and tribal basis, lack of government policies, uneven resource distribution among the eight sub locations, political incitement arising from political

party affiliation and electioneering propaganda used to sway voting patterns to their favour.

Table 4.9: External Factors to Land as a Source of Conflict to landlords and tenants in Kibra informal settlement

Factors	Frequency	Percent (%)
Ethnicity	86	45.7
Electioneering propaganda	62	33
Political incitement	18	9.6
Uneven resource distribution	9	4.8
Lack of Implementable Government Policies	13	6.9
Total	188	100

Source: Field Data (2022)

The findings of the study show that external factors to land contribute greatly to conflict in Kibra informal settlement. Ethnicity at 45.7% emerged as a major factor where the villages in the informal settlement are aligned ethnically. This can be seen in Gatwekera inhabited by Luo, Makina by Nubi, Mashimoni by Luhya, Laini saba by Kikuyu and Soweto West by Kisii. Second in came electioneering propaganda at 33% where every electioneering period (2007, 2013 and 2017) opposition leaders have used the settlement as their platform for political campaign. Third is political incitement at 9.6% where politics is used to create tension and enmity between different opposing political party affiliation and support. Lack of government policies at 6.9% came in fourth where the government has had no clear plan for the development of the informal settlement. Last was uneven distribution of resources at 4.8% with areas like Makina and Laini Saba having tarmac roads while Gatwekera do not have any.

This is consistent with Lonsdale’s assertion that people can reconstitute their ethnic labels and territorial entitlements whenever political threat or opportunity demands (Lonsdale, 2008). It also converges with Mutisya and Yarime (2011) who observe that

informal settlements are concentrated with poverty due to resource deprivation as they are excluded from government services such as roads, education, health facilities, police station and fire services. It also agrees with Omoka (2020) who says that informal settlements in Nairobi is a combination of different ethnic groups whose differences arise from issues such as land, ethnicity and political affiliations. Yieke (2008) also concurs with the findings by arguing that politics in Kenya is basically organized around ethnic manipulation; that, politicians seek election on the 'Best defenders' platform of their ethnic communities. That, these, negative politics have been a source of conflict in Kenya's political arena and have influenced settlement and investment in terms of land tenure.

Table 4.10: Descriptive Statistics on External Factors

Descriptive Statistics							
	N	Minimum	Maximum	Sum	Mean		Std. Deviation
	Statistic	Statistic	Statistic	Statistic	Statistic	Std. Error	Statistic
OB2Ethnicity Influence Land Conflict	188	1	5	365	1.94	0.085	1.171
OB2Electioneering propaganda	188	1	5	398	2.12	0.096	1.315
OB2Lack of Government Policies and Infrastructure	188	1	5	378	2.01	0.09	1.232
OB2Uneven Resource Distribution	188	1	5	365	1.94	0.085	1.171
OB2Poverty	188	1	5	398	2.12	0.096	1.315
Valid N	188						

Source: Field Data (2022)

Table 4.10 presents descriptive statistics of responses on external factors that contribute to land as a source of conflict in informal settlement of Kibra. The external factors to land as a source of conflict are in agreement with Dafe (2009) that individual informal settlements are ethnic metropolitan and there still exist a divide along ethnic lines wherever there is a dominating ethnic group. Similarly, to Nyam and Ayuba (2016) who assert that political power sharing and town ownership/settlement are done in line to people's origins which results in high political competition coupled by other factors of religion and ethnicity a precursor to conflict. Nyam and Ayuba (2016) also allude that, powerful members of society may collude to reap benefits from community resources by causing conflict which is in agreement with the finding that uneven distribution of resources based on political alignments and ethnic lineages in Kibra informal settlement leads to conflict.

From the above analysis the finding of the study indicate that land is a source of conflict in the informal settlement of Kibra. It revealed that, land as a source of conflict is dependent on both internal and external relations between tenants and landlords who reside in Kibra. That, poor housing conditions and structures, lack of provision of key services, lack of legal land ownership documents, high poverty levels, rent disputes and overcharge, ethnicity, electioneering propaganda, political incitement, uneven distribution of resources and lack of implementable government policies all have a role to play in conflicts that have taken place in Kibra informal settlement from 2001-2019. The study having established land as a source of conflict in Kibra informal settlement it went ahead to establish its effects on communities living here and the findings were as discussed in the next section.

4.5 Effect of Land conflict on residents of Kibra informal settlement

The second objective of the study was to evaluate the effects of land conflicts on the communities living in informal settlement of Kibra. The study demonstrated that land is a source of conflict in informal settlement which is influenced by both internal and external factors in Kibra. That, lack of legal land ownership documents, rent default, poor housing, high poverty level, ethnicity, political incitement and election propaganda, lack of implementable government policies and uneven distribution of resources have greatly contributed to land conflicts in Kibra informal settlement from 2001-2019. The effects of land conflict which according to Water Aid (2009) may be political, economic, cultural/social or religious were evaluated based on these two categories of influential factors of internal and external.

The study asked the respondents how land as a source of conflict in informal settlement of Kibra had affected both the landlords and tenants using a scale of 1-5 and also focus group discussion open questions. The responses were as represented in the Table 4.11.

Table 4:11: Effects of Land Conflict to residents of Kibra informal settlement

Effects	Frequency	Percent (%)
Impoverished the tenants (poor housing conditions)	54	28.7
Impoverished the landlords (deprived rent income)	42	22.3
Land ownership disputes	31	16.5
Increased violent conflict	24	12.8
Damage and loss of property	16	8.5
Negative ethnicity	12	6.4
Government administrative challenges	9	4.8
Total	188	100

Source: Field Data (2022)

The findings of the study show that the respondents identified the effects of land tenure conflicts to include; impoverishing the tenants by subjecting them to poor housing conditions and services (28.7%), That, the houses are small and congested, made of

earth floor, mud walls, old iron sheets with leaking roofs and no toilets or sewer lines. A prominent Luo elder and a tenant in Gatwekera agrees that the living conditions in their area had become deplorable for the structure owners had refused to renovate, exhaust or construct new toilets due to the high rate of rent default and absentee landlords.

Impoverishing the landlords with tenants failing to pay rents on time or not paying at all (22.3%). A prominent Kikuyu elder who is also the chairman Kibra Sub County Peace Committee owning a hardware in Makina and also rental houses agrees that conflicts like in 2001 and 2007/2008 made landlords to lose their structures to Orange Democratic Movement party allied goons who occupied them forcefully and are still living in without paying rent.

Land ownership disputes where some ethnic communities (Kikuyu) have been forcefully evicted from their plots and taken over by Luo especially in Gatwekera, Makina and Lindi areas (16.5%). A Nubian elder from Makina agrees that land disputes have really affected them for their original land that stretched as far as Kenya Meteorological department headquarters and Lang'ata barracks has been taken away and only left confined within Makina area. 12.8% of the respondents were of the view that land disputes had increased violent conflicts citing 2001 and 2007 as examples where Kikuyu were violently evicted and their property looted or taken over in area of Gatwekera, Makina, Lindi, Kisumu Ndogo, Kichinjio, Karanja and Mashimoni.

Damage and loss of property like in 2001, 2007 and 2013 where, a petrol station, shops and Toi market were looted or torched 8.5%. The Kikuyu elder agrees that the violence experienced in the three occasions caused them allot of damage and loss for their property was damaged, burned and looted by opposition party supporters.

Negative ethnicity brought about by political affiliation where some ethnic communities (Kikuyu, Nubian and Luo) do not relate easily (6.4%). This can be supported by Omoka (2020) who opines that Kibra and other informal settlements in Nairobi are very sensitive for they either have two dominating ethnic communities or are multi politic with varying political ideologies and support base. That, this, form of settlement becomes a platform for political schemes making it a fertile ground for ethno-political narrative and incitement.

Lack of properly established government administrative structure and policies that can be used to resolve the land ownership issues (4.8%). The chief Sarang'ombe and Laini Saba Location who are in charge of arbitrating land issues within the informal settlement agree that there is a challenge in resolving land issues in Kibra informal settlement. That land disputes form the bulk of their daily duties but they are unable to deal with them conclusively for lack of legal ownership documents or proper demarcation of boundaries. They also argued that the disputes between tenants, landlords and the government had slowed down development of the informal settlement.

The findings demonstrate that the persistent land conflicts in Kibra informal settlement since 2001-2019 fueled by politics and ethnicity have had dire effects on communities living here. The focus group discussion recalled the events of 2001 and 2007/8. It was demonstrated that both tenants and landlords have had the feel of these effects. Majority of landlords in conflict prone areas of Gatwekera, Lindi, Siranga, Kisumu Ndogo, Soweto West, Mashimoni and Kichinjio villages have been denied rent on premise that this is government land, rents are exorbitant, houses are poorly constructed and key services like water and toilets are lacking. Similarly, the tenants have been denied good services, locked out of their houses or doors for rooms removed due to rent default or

even thrown out in the cold. Other effects which were common to the tenants and landlords included: displacement from plots/houses as in 2007/2008, damage and loss of property and life, destabilization of social cohesion, negative ethnicity and slow development and implementation of government policies.

The findings of the study were consistent with Wehrmann (2008) assessment that land conflicts have negative effects both on individual and national socially, economy and politically. Socially, it has subjected residents to poor living condition, exclusion, inequality and ethnic stereotype. Economically it has increased unemployment rate, cost of living, slow down investments, loss of property and tax reduction to both local and national government. Politically it has become a ground for opposition politics and political incitement. He also notes that it increases social and political instability which results in evictions and displacements. It is also consistent with UN Habitat 2007 report which says that land disputes and displacement can have devastating social impacts as families lose land, houses, neighbourhoods, communities and networks and also causes residents to live in a state of perpetual uncertainty. Wamalwa (2016) concurs that the 2007/8 post-election violence affected most of the residents in informal settlements in one way or another.

From the above analysis and findings, the study strongly indicates that conflicts over land in the informal settlement of Kibra have negative effects to individual living here and also the nation. The effects range from social to economic and also political. Socially, it has subjected tenants to poor living conditions, displacements, evictions, exclusion and negative stereotypes. Economically, it has denied the landlords rent and inflicted great losses of property to them when violence erupts. Also, on the government side it has denied it space for development and taxes. Politically, the settlement has

become a fertile ground for opposition politics and political incitement; for settlement are arranged based on political affiliations.

Having discussed land as a source of conflict and the effects of land conflicts on the communities living in Kibra informal settlement, the study proceeded to identify strategies to resolve land conflicts in Kibra informal settlement as presented in the next session.

4.6 Resolution Strategies for Land conflicts in Kibra informal settlement

The third objective of the study was to identify ways to resolve land conflicts in Kibra informal settlement. The study having discussed land as a source of conflict and the effects of land conflicts on the communities it sought to identify strategies to resolve land conflicts in Kibra informal settlement. The question for resolution strategies was put to individual respondents (landlords, tenants and residents), FGD and key respondents and also the researcher went further to explore what other strategies groups on the ground were using to resolve land issues.

We inquired from the respondents to ways and strategies employed to resolve land conflicts in Kibra informal settlement. Their responses were as captured in the Table 4:12 and also Figure 4.3.

Table 4.12: Conflict Resolution Strategies

Conflict Resolution Strategies	Frequency	Percent (%)
Issuance of title deeds	51	27.1
Landlords and tenants to meet their obligations (pay rent and provide better housing services)	42	22.3
Government to have better legal framework	35	18.6
Landlord and tenant dispute resolution mechanisms	28	15
Political tolerance to be encouraged	20	10.6
Community based initiatives (Nyumba Kumi) to be supported	12	6.4
Total	188	100

Source: Field Data (2022)

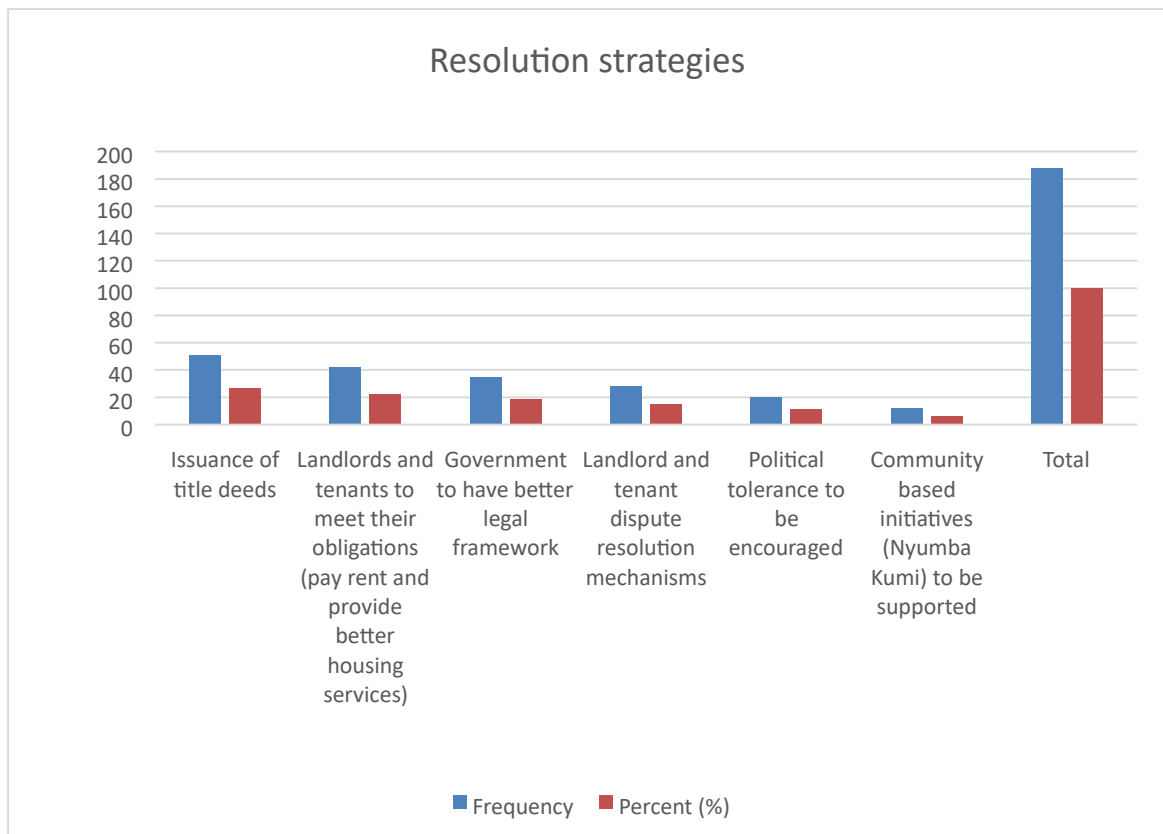


Figure 4.3: Resolution strategies

Source: Field Data (2022)

The respondents identified strategies to resolve land as a source of conflict to include: Issuance of title deeds (27.1%) where majority of the respondents were in agreement that land tenure or right are central for land has both economic and social dimension. It's not only a source of economic production but also a basis of social relationships and cultural values and a source of prestige and often power (FAO 2002). Landlords and tenants meeting their obligations (pay rent and provide better housing services) at 22.3%. That landlords should ensure that their houses meet the UN Habitat standards (permanent houses, enough space, water, sanitation, social amenities and security of tenure). Conversely, tenants should pay rent regularly and on time to enable the landlords pay for levies (electricity, water, and sewerage) to avoid disconnection and also for renovation/repair purposes. Government should have better legal framework

(18.6%). That government and local authorities must unequivocally recognize the important role of informal settlements and ensure that urban planning respond positively by first recognizing the positive role played by urban informal settlements in housing low earning workers and development of the country economy. Second, by considering revision to policies, laws and regulations that facilitate smooth informal settlement administration and operations. Third, by improving urban planning and regulatory system on the basis of more realistic plans and standards. Lastly, by embracing alternative to forced eviction of informal settlement dwellers and informal entrepreneurs.

Landlord and tenant dispute resolution mechanisms 15%. That land and rent tribunals in Nairobi City County should be cascaded down to sub location level. Currently the two organs only operate at county level. Political tolerance to be encouraged 10.6%. That, Kenya being a multi-party democracy, both the politicians and residents of informal settlements need to embrace political ideologies of political parties operating within their settlements. Community based initiatives (Nyumba Kumi) to be supported 6.4%. That initiatives used by NGOs (Carolina for Kibera, Umande Trust, Amani Kibera and SHOFCO among others), NCIC, Religious leaders, Council of elders and Peace Committees of bringing communities together for dialogue need to be embraced and be supported by the government agencies and the political class.

The Chapter has demonstrated through data presentation, analysis and interpretation that: Lack of proper land ownership status is a source of conflict in Kibra informal settlement and that people compete for few spaces of land in these settlements either as landlords or tenants and also for political mileage. That, poor living conditions and leap services lead to land default hence conflict between landlords and tenants. Also, land conflict in informal settlements has greatly affected the people of Kibra informal

settlement either by impoverishing their lives, increasing disputes, damaging property and increasing negative ethnicity. Lastly, there exists strategies that can be deployed to resolve the conflict including issuance of title deeds, landlords and tenants meeting their obligations, embracing Alternative Dispute Resolution mechanism, political tolerance and community-based initiatives.

CHAPTER FIVE

SUMMARY OF THE FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter presents the summary and conclusions linking the results and the recommendations.

5.2 Summary of the study

The purpose of the study was to analyze and find the sources of land conflict between landlords and tenants in Kibra informal settlement. It analyzed and examined the extent to which land as a resource has contributed to the conflict between landlords who are competing for space for putting up structures and tenants who are competing for few housing units in informal settlement by outlining the causes, effects to communities and strategies to be used in resolving the issue. A structured questionnaire was used in collecting data from a sample of 188 respondents for the study. Focused group discussion and open-ended questions were also used. Data collected from the research findings was analyzed quantitatively and qualitatively to draw conclusions and recommendations.

5.2.1 Land as a Source of Conflict in Kibra informal settlement as from 2001 to 2019

The findings of the study indicate 59% of the respondents believe that land as a resource is a source of conflict between landlords and tenants in Kibra informal settlement. That the land here is not enough and its ownership is in contest and therefore every stakeholder has a right to it. The findings also showed that land as a source of conflict was dependent on the social relations between the tenants and landlords in informal settlement. The study categorized land conflict causes into two to include internal and external factors.

First, internal factors are issues that directly affect the tenant or landlord on a regular basis as occupants of informal settlement and include poor housing, lack of services by the landlords, lack of legal land ownership, poverty, disagreement in rent, rent overcharge and lack of rent. It is therefore believed that tenants dispute or default to pay rent because the houses in Kibra are poorly constructed, the rent is high and lack of provision of key facilities and services including sanitation, water and sewer lines. As a result, landlords resort to unorthodox ways of evicting them like locking them out, forceful eviction and removing doors or iron sheets which is usually met with resistance from tenants who feel that their rights and interests are being infringed.

Second, external factors are issues that indirectly affect the tenant or landlord on an irregular basis as occupants and include ethnicity, lack of government policies, uneven resource distribution, political incitement and electioneering propaganda. Here, it is believed that both landlords and tenants organize and mobilize themselves along ethnic and political power lines and when it comes to electioneering period they find themselves on opposite side of the divide resulting to conflictive campaigns. It is also believed that lack of clear implementable government policies and skewed development results in people allocating themselves through power brokers (Chiefs and County officials) land meant for development in Kibra informal settlement and when asked to vacate they resist violently with the backing of other dissenting power brokers like Kamkunji pressure group; a good example being the slum upgrading program which has taken time to pick.

5.2.2 Effects of Land Conflicts on residents of Kibra informal settlement

The study identified the effects of land conflicts to include, impoverishing the tenants (poor housing conditions), impoverishing the landlords (deprived rent income), land ownership disputes, increased violent conflict, damage and loss of property, negative

ethnicity and government administrative challenges. It is clear from the study that poor housing where houses are temporal subject tenants to harsh living conditions and denies landlords rent. That land ownership disputes increases tensions and divisions between the tenants and landlords which results in violent conflicts. That, when violence occurs the result is loss of life, damage to property and hatred among ethnic communities. Lastly, lack of clear government policies and poor urban planning result into administrative challenges where its officials on the ground have no power over political and ethnically allied groups hence unable to deal with land matters judiciously.

5.2.3 Resolution Strategies of Land Conflicts in Kibra

The study identified strategies to resolve land as a source of conflict to include issuance of title deeds for legalization has been widely promoted as the most appropriate response to land tenure insecurity, landlords and tenants to meet their obligations (pay rent and provide better housing services), government to have better legal framework, coordinated landlord and tenant dispute resolution mechanisms, political tolerance to be encouraged, and community based initiatives (Nyumba Kumi) to be supported. That, the interest of each group needs to be satisfied for there to be cohesion and coexistence among the informal settlement dwellers. From the study, it is clear that the issue of land conflict in Kibra informal settlement can have a solution through, a responsive and collaborative process.

First, by giving Title Deeds to all beneficiaries using an acceptable land adjudication process. Second, by landlords and tenants each playing their role of putting up/maintain decent houses and paying rent respectively. Three, by landlords and tenants having proper and agreeable rent dispute resolution mechanisms. Four, by NCIC and other peace building organization implementing programs that promote peace and encourage political tolerance. Lastly by encouraging community-based initiatives such as *Nyumba*

Kumi where communities live together based on good neighborhood rather than ethnic lineage.

5.3 Conclusions

The study has established that land in informal settlement is scarce and its allocation, use and management are a source of conflict between landlords and tenants in Kibra informal settlement. That, the issues of land and politics needs to be addressed as it creates the seeds of hatred among the communities living in informal settlements. That, when, conflicts over land involving landlords and tenants occur, it negatively impacts the landlords, tenants, government and community; economically, politically and socially. That if taken seriously, land conflicts between tenants and landlords in Kibra informal settlement can be resolved amicably through an all-inclusive approach that brings stakeholders together for a holistic sustainable solution.

5.4 Recommendations

The study recommends that, for the country to achieve a lasting culture of land conflict free informal settlements then;

- i. Government and other agencies dealing with land management and planning need to consider and address the issue of land as a source of conflict through a responsive and collaborative process.
- ii. Stakeholders need to work in partnership and take individual responsibility in addressing effects of land conflicts in informal settlements.
- iii. Government and other land agencies should do a further research on land adjudication in informal settlement to come up with a land policy which is acceptable by all informal settlement stake holders.

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APPENDICES

Appendix I: Letter of Introduction

Dear Respondent,

My names are Hesbon Kayesi. I am a Master of Arts (MA) student at Kenyatta

University currently conducting a research on ‘The Land Related Conflict between Tenants and Landlords in Informal settlement of Kibra informal settlement, Nairobi City County (2001-2019)’. You have been selected to assist in providing response for this study. You are kindly requested to respond to the questions below and be informed that the information you give will be confidential and will only be used for this study.

Yours Faithfully,

Hesbon Kayesi

Appendix II: Questionnaire

Particulars of Respondents

Please tick the appropriate box to indicate your details

1. Sex

1. Male [] 2. Female []

2. What Sub-Location do you come from?

1. Soweto/Highrise [] 4. Lindi [] 7. Gatwekera []
2. Siranga [] 5. Kibera [] 8. Olympic/ Kianda []
3. Laini Saba [] 6. Makina []

3. Age

1. Below 25 years []
2. 25-35 years []
3. 35-45 years []
4. 45-55 years []
5. Above 55 years []

4. Current employment status

1. Employed [] 2. Unemployed [] 3. Businessman/Woman []
4. Housewife []
5. Others (specify).....

5. Length of residence

- 1. Less than 5 years []
- 2. 5-10 years []
- 3. 10-15 years []
- 4. More than 15 years []

PLEASE RESPOND TO THE QUESTIONNAIRE ACCORDING TO YOUR CHOICE

- 1. STRONGLY AGREE
- 2. AGREE
- 3. NEITHER AGREE OR DISAGREE
- 4. DISAGREE
- 5. STRONGLY DISAGREE

1. Land conflict between tenants and landlords in Kibra informal settlement is caused by:

Source of conflict	1	2	3	4	5
Disagreement over rents charged					
Ownership of the land					
High charges of rent					
Bad attitude by landlords to tenants					
Rent default by tenants					
Other factors other than the above					
Poor housing provided by landlords					
Lack of services provide by landlords in the facilities					
Overburdened tenants					
Lack of legal claim of ownership of the Kibra informal settlement land by landlords					
Poverty					

2. As expressed below, what can you say about the role of ethnicity over land conflict between landlords and tenants in Kibra informal settlement.

	1	2	3	4	5
Ethnic tensions are the main sources of conflict in Kibra informal settlement					
The land conflict in Kibra informal settlement is caused by the hatred between the Luos and kikuyus					
The land conflict in Kibra informal settlement is caused by the hatred between Nubians and Luos					
The land conflict in kibra informal settlement is caused by the hatred between kikuyu landlords and tenants from all the four major ethnic communities					
The land conflict in Kibra informal settlement is not caused by any of the above					
The land conflict in Kibra informal settlement is caused by lack of government policies					
Land conflict is caused by bad attitudes of the Kikuyu landlords in Kibra informal settlement					

3. How does politics influence conflict over land in Kibra informal Settlement?

	1	2	3	4	5
Through political differences					
Through political incitement					
By political fall outs between residents and landlords					
Through incitement by political parties					
By supporters of candidates of political parties					
By election euphoria					
By leadership reluctance to intervene in the problems of the oppressed tenants					
By politicians to out-do their opponents in Kibra informal settlement					
Not caused by any of the above					
By some of the above					

4. **What effects has land conflicts in Kibra informal settlement had on the communities living here?**

	1	2	3	4	5
The land conflict in Kibra informal settlement has hurt the land lords very severely					
The land conflicts in Kibra informal settlement have impoverished the landlords					
The landlords in Kibra informal settlement have no legal claim over the land they own/rent out in Kibra informal settlement					
The land conflicts Kibra informal settlement has affected the tenants very severely					
The land conflict in Kibra informal settlement has affected the government severely					
The land conflict in Kibra informal settlement has not affected the land lords in Kibra.					
The land conflict in Kibra informal settlement has deprived the landlords of their rental income					
Land conflicts in Kibra informal settlement have impoverished the tenants in Kibra					
Land conflicts in Kibra informal settlement have had no real effect on the tenants					
The land conflicts in Kibra informal settlement have affected the landlords very negatively					
The land conflicts in Kibra informal settlement should be resolved by the government					
The land ownership of Kibra informal settlement should be clarified by the government					

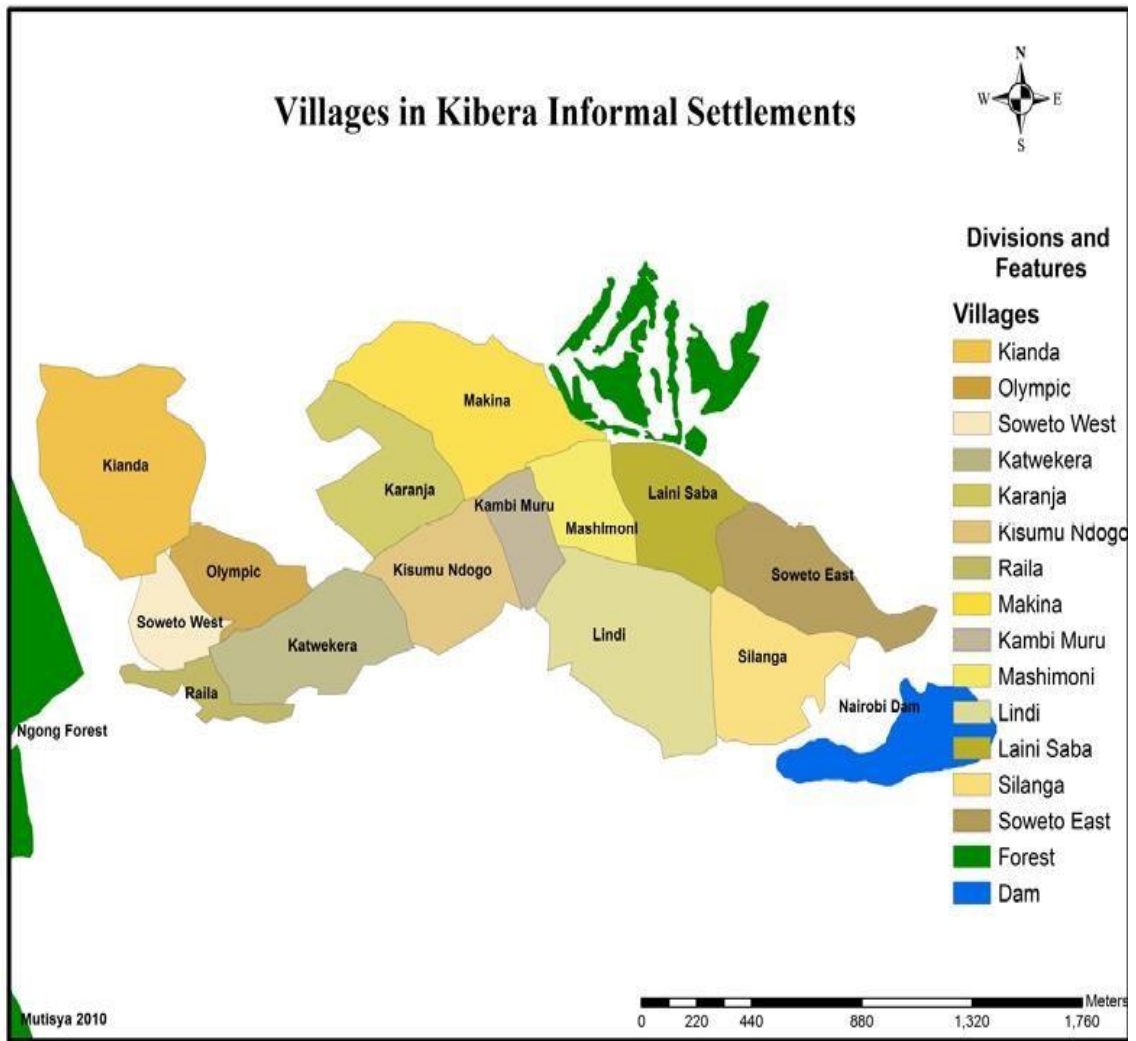
5. Name some of the strategies that can be used to settle land conflicts in Kibra informal settlement.

Thank you for your time and participation

Appendix III: Focus Group Discussion Guide

1. Briefly explain the main sources of Land conflict in Kibra informal settlement
2. Does ethnicity influence conflict over land in Kibra informal settlement? If yes, how?
3. Does politics play a role in conflict over land in Kibra informal settlement of and how?
4. What are the effects of land conflicts on the communities living in Kibra informal settlement?
5. What are some of the strategies that can be used to resolve land conflicts in Kibra informal settlement?

Appendix IV: Map of Kibera informal settlement



Appendix V: Graduate School Approval



KENYATTA UNIVERSITY GRADUATE SCHOOL

E-mail: dean-graduate@ku.ac.ke

Website: www.ku.ac.ke

P.O. Box 43844, 00100
NAIROBI, KENYA

Tel. 8710901 Ext. 57530

Our Ref: C50/CTY/PT/32956/2015

DATE: 29th September, 2022

Director General,
National Commission for Science, Technology
and Innovation
P.O. Box 30623-00100
NAIROBI

Dear Sir/Madam,

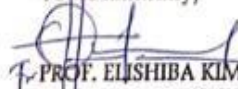
RE: RESEARCH AUTHORIZATION FOR HESBON KAYESI- C50/CTY/PT/32956/2015

I write to introduce Mr. Hesbon Kayesi who is a Postgraduate Student of this University. He is registered for M.A degree programme in the Department of International Relations Conflict & Strategic Studies.

Mr. Kayesi intends to conduct research for a M.A Project Proposal entitled, "The Land Related Conflict between Tenants and Landlords in Informal Settlement of Kibra Slum, Nairobi City County (2007-2019)".

Any assistance given will be highly appreciated.

Yours faithfully,


Prof. ELISHIBA KIMANI
DEAN, GRADUATE SCHOOL

EK/mn



THE PRESIDENCY
MINISTRY OF INTERIOR AND CO-ORDINATION OF NATIONAL GOVERNMENT

Telegram.....
Telephone: 020-2629946
deckibra@gmail.com

DEPUTY COUNTY COMMISSIONER
KIBRA SUB-COUNTY
P.O. Box 30124-00100
NAIROBI

Ref: KBR/ED/10/9/48

Date: 17th October, 2022

All Assistant County Commissioners
Kibra sub-county

RE: RESEARCH AUTHORIZATION

Authority is hereby granted to Hesbon Kayesi Identification No.169225 to conduct research on *“The Land Related Conflict Between Tenants and Landlords in The Informal Settlement of Kibra Slum, Nairobi City County”* for the period ending 14th October,2023.






Kindly inform your Chiefs and Assistant Chiefs and accord any necessary assistance.

ESTHER MUGO
FOR: DEPUTY COUNTY COMMISSIONER
KIBRA SUB-COUNTY



c.c. Hesbond Kayesi.

Appendix VI: NACOSTI Research Authorization Letter

 REPUBLIC OF KENYA	 NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION
Ref No: 169225	Date of Issue: 14/October/2022
RESEARCH LICENSE	
	
<p>This is to Certify that Mr.. Hesbon Kayesi of Kenyatta University, has been licensed to conduct research as per the provision of the Science, Technology and Innovation Act, 2013 (Rev.2014) in Nairobi on the topic: THE LAND RELATED CONFLICT BETWEEN TENANTS AND LANDLORDS IN INFORMAL SETTLEMENT OF KIBRA SLUM, NAIROBI CITY COUNTY (2007-2019) for the period ending : 14/October/2023.</p>	
License No: NACOSTI/P/22/20868	
169225 Applicant Identification Number	 Director General NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION
	Verification QR Code 
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