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Full Length Article

From conflict to coexistence: Reaffirming belonging and property rights through the 'sons of village' discourse in post-conflict Kenya[☆]

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A B S T R A C T

This article explores the puzzle of victims of political violence in Kenya committing to return to contested spaces of their prior victimhood and displacement. It considers how political violence has been brought to bear on understandings of property rights and belonging among Kikuyu victims of political violence in the Burnt Forest area of Uasin Gishu County in Kenya. It is reported that the iteration between the collapse of the multiparty Kenyan state commitment to protect Kikuyu land rights in their state settled areas and the partisan character of neo-customary tenure that restricts the admission of co-ethnic outsiders, induced Kikuyu spontaneous resistance to their spatial political confinement motivating their formulation of an organic discourse of belonging. The article introduces the 'sons of village' concept as a bottom-up framework for understanding the informal mechanisms for claiming property rights and belonging in contested spaces in Africa. By challenging notions of belonging rooted in contested histories and emphasizing credible links to land and space, this concept embodies inclusive citizenship with the potential to foster conciliatory relations between previously hostile groups in post-conflict scenarios. The 'sons of village' identification, therefore, offers a promising avenue for fostering positive peace in regions afflicted by chronic violence in Africa and beyond.

1. Introduction

This article explores the puzzle of victims of political violence in Kenya committing to return to contested spaces of their victimhood. It considers how political violence has been brought to bear on understandings of property rights and belonging among Kikuyu victims of political violence in the Burnt Forest area of Uasin Gishu County in Kenya. Political violence, chronic displacement, and dispossession of Burnt Forest Kikuyu along with their restricted admission into their ancestral homelands in Central Kenya, is found to have engineered a reconsideration of identity and belonging among the state-settled Kikuyu.

The article reports that the iteration between the collapse of multiparty Kenyan state commitment to protect state-settled groups along with the partisan character of neo-customary tenure that restricts admission of co-ethnics, induced spontaneous resistance by the displaced Burnt Forest Kikuyu to their spatial exclusion to property rights and belonging in their state settled areas. Drawing on models of territorialisation of identity and belonging (e.g., Jenkins, 2012; Peluso, 2009) the 'sons of village'¹ (SoV) concept is introduced, as a bottom-up

framework for interrogating belonging and claim making to property rights in contested spaces.

It is argued that while the 'sons of soil' (SoS) rely on contested narratives to assert their belonging and property rights, the SoV identity endows groups with the capacity to deploy credible history and ritualistic connections to place in asserting their claims over land and belonging. I use this distinction to explain the causal mechanisms that has enabled the Kikuyu victims of political violence to return to Burnt Forest and claim their property rights.

Inspirations for state land distribution programs in some post-colonial sub-Saharan African states (henceforth Africa), like Kenya, Malawi, Namibia, and Zimbabwe, were motivated by the imperative to address the problems of colonial land alienation and distorted patterns of land ownership (Akinola & Wissink, 2019; Chimhowu & Woodhouse, 2006; Kanyinga, 2009; Palmer, 1990; Toulmin, 2009; Werner, 1993), which had engendered both landlessness and conflicting claims over land in independent Africa.

Such 'distribution from above',² however, either disregarded or inadequately addressed these problems (Lund, 2000; Mackenzie, 1993; Peters, 2009; Shipton, 1988) with new land conflicts emerging between

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¹ The term 'sons of village' was derived from the Swahili phrase 'wana wa Burnt Forest,' as used by study participants to express their connection to landownership in the Burnt Forest area. Loosely translated, "wana wa" means "sons of," signifying the patriarchal connection to land in the area.

² Kanyinga (2009).

first settler³ claimants and the state-settled groups in states like Kenya. These realities became increasingly apparent at the introduction of multiparty politics in the 1990s, as SoS linked conflicts proliferated in certain African elections, e.g., Kenya, Rwanda and Cote d'Ivoire (Lahiff, 2007; N. H. Thomas, 2003; Thwala, 2006; Kanyinga, 2009; Dunn, 2009; Straus, 2011; Klaus & Mitchell, 2015; Klaus, 2020).

In response to the adverse outcomes and particularly the state's inability to provide tenure security, individuals and groups in certain African contexts have devised various 'bottom-up institutional innovations' to reduce uncertainty in their environments (Lund, 2011). Some of the innovations include outright political resistance and engagement (Hall et al., 2017) and, increasingly, the use of informal documents to secure property rights, as documented in Zambia and Burkina Faso, among other African states (Chiodelli & Mazzolini, 2019; Honig, 2022; Munshifwa et al., 2021).

While significant analyses exist regarding the causes and outcomes of political violence in Africa, there is a noticeable gap in understanding post-conflict settlement and tenure security dynamics among formerly warring groups, especially how groups enact their belonging where territorial disputes prevail. Understanding how groups navigate issues of land and belonging in post-conflict situation, which often underlie many conflicts in the continent, is important. This is because the state is usually a partisan actor in local conflicts (Leonardsson & Rudd, 2015; Mac Ginty, 2011), and may, therefore, lack legitimacy over peace processes. Hence, it is imperative we explore grassroots mechanisms for post-conflict group coexistence and assertion to property rights and belonging in Africa.

I build on Lund's (2011, p. 13) assertion that land conflicts often extend beyond mere ownership to encompass belonging, and socio-political institutions of citizenship, to explore the conditions and mechanisms through which individuals displaced by political violence (re-)claim their belonging and property rights in contested spaces in Kenya. Using data collected through archival analysis, participant interviews, focus group discussions, and transect walks in Burnt Forest, Uasin Gishu County, Kenya, the article makes two main contributions to the literature.

First, I discuss the autonomous 'bottom-up' processes that appear to be facilitating the emergence of secure forms of tenure in Burnt Forest. These processes are driven by the aspirations of previously conflicting groups in the area, who desiring to establish new protective arrangements for their property rights, engage in mechanisms and agreements that reduce uncertainty (North, 1990) in their environment. I emphasize the role played by 'institutional entrepreneurs'⁴ who have capitalized on the institutional legacies of the settlement scheme in Kenya to provide security for tenure rights. In doing so, the article illustrates how, over time, land-based political violence can lead to unexpected outcomes, where secure tenure appears to emerge through autonomous processes including what Lund (2011) terms as 'informal formalisation'⁵ of tenure rights.

Extending beyond the existing literature on 'bottom-up' tenure innovations, the article introduces the SoV concept as a unifying terminology to contextualize existing literature on grassroots tenure innovations in Africa and beyond. I conceptualised SoV as a social institution that emphasizes credible and verifiable historical connections to property rights and belonging. Therefore, as a distinct concept

³ In the context of land disputes or conflicts, this term pertains to claims of priority or historical precedence over land ownership or occupation (Jackson, 2006).

⁴ Individuals or groups who actively seek to introduce, promote, or change institutional arrangements within a specific context (Garud, Hardy & Maguire, 2007).

⁵ Refers to the integration or recognition of informal practices or arrangements into formal systems of governance or regulation (See Lund, 2011).

imbued with agency,⁶ the concept may serve as a means for individuals perceived as outside groups to validate and assert their legitimacy over belonging and tenure rights in contested areas in Africa. Contrasted with SoS, which typically operates as a loose qualifier for belonging and is often entangled in contested histories (Dunn, 2009; Jackson, 2006), I suggest that SoV emphasis on credible claims to property, has the potential to dilute the SoS veto power over property rights and belonging.

Secondly, I highlight the potential for peacebuilding amidst violence (Björkdahl & Kappler, 2017) by examining post-conflict settlement dynamics in Burnt Forest. These dynamics reveal a notable inclination towards living with co-ethnics, which I argue is a favoured mechanism for the local Kikuyu and Kalenjin groups to enhance predictability within their 'dangerous environments'. I suggest that these inter-ethnic collaborative endeavours are not only disrupting first-settler-state-settled boundaries of identification and claim-making, but they also illustrate how local communities are using everyday practices to shape their own settlement preferences, which in turn may play a role in shaping the conditions for peace in the long run (see also, Leonardsson & Rudd, 2015; Mac Ginty, 2011; De Coning, 2016; Björkdahl et al., 2017).

Collectively, I underscore that the SoV identity embodies inclusive citizenship that promotes tolerance and accommodates diverse ethnic claims to belonging and to land. As such, it holds the potential to foster conciliatory relations between previously hostile groups in post-conflict scenarios. Given its socially consensual nature and its ability to transcend ethnic divisions, it offers the promise of fostering positive peace⁷ in regions afflicted by chronic violence. Consequently, the article highlights an unforeseen outcome of political violence in Kenya: the emergence of local peace processes that may complement state's fragility in promoting peace.

The article is organised as follows; section 2.0 presents a brief overview of the literature on property rights, political violence and bottom-up tenure innovations in Africa, section 3.0 describes the study area and methodology, followed by conceptual analysis of the SoV concept. Section 5.0 presents empirical analysis of the institutional legacy of the settlement program in Kenya, section 6.0 discusses the Kikuyu claims to belonging and land rights in Burnt Forest, section 7.0 discusses the property rights outcomes, and the final section concludes by remarks on the broader implications of these changes on land politics in Africa.

2. Navigating land and belonging: contestations and grassroots responses in Africa

Contestations over land and belonging in postcolonial Africa, are intricately linked to colonial authorities' appropriation of land, in several African states including Kenya, South Africa, Namibia and Zimbabwe. In these states, colonial authorities had intentionally consolidated multiple land rights into private and customary tenure systems. While white settlers were granted private property rights affiliated with full citizenship, land was collectively held under customary tenure linked to ethnic citizenship for the majority Africans (Chimhowu & Woodhouse, 2006; Lentz, 2006; Mamdani, 2006; Peters, 2009; Yaro, 2010).

Following independence, the focus on land redistribution was particularly pronounced in Kenya, Malawi, Namibia, South Africa, and Zimbabwe (Lund, 2011). The redistributive land reform initiatives were driven by both political and economic considerations. Economically, private tenure was favoured due to the belief that customary tenure was insufficient to generate optimal investment on land (Peters, 2009;

⁶ Capacity to make a difference (Giddens, 1984).

⁷ A concept that extends beyond the mere absence of violence or conflict and encompasses the presence of conditions conducive to societal well-being, harmony, and justice (Millar, 2021).

Benjaminsen & Lund, 2003). The political logic was based on the state desire to extend its administrative jurisdiction in rural areas through land allocation (Boone, 2013, 2014; Toulmin, 2009; Lund & Boone, 2013; Yaro, 2010). To maintain stable clientelist relationships in rural areas, these states intervened periodically to prevent transitions in property rights to more efficient forms (Boone, 2014, 2017), thereby, leading to systemic presence of what Albertus (2021) refers to as property rights gaps in the state settled areas.

In transition to competitive politics in the 1990s, the SoS capitalized on property right gaps and the state's weak commitment to protect settled groups to instigate politically motivated conflicts in countries such as Kenya, Côte d'Ivoire, the Democratic Republic of Congo, and Rwanda, among others (Kanyinga, 2009; Dunn, 2009; Hassan & Klaus, 2020; Jackson, 2006; Klaus & Mitchell, 2015; Lund, 2011; Lund & Boone, 2013). While the SoS discourse has been effective in mobilising political support, it has also revealed inherent uncertainties surrounding political identities and belonging in some postcolonial African states (Dunn, 2009; Jackson, 2006; Benjaminsen & Lund, 2003). Additionally, it has proved a useful qualifier for challenging African state's exclusive control over property rights (Hassan & Klaus, 2020; Klaus & Mitchell, 2015).

The failure of post-colonial states in various African contexts to allocate full property rights to settled groups (Munshifwa et al., 2021) and safeguard their rights to citizenship and belonging, has necessitated individuals and groups to develop what Chome (2020) terms as 'responses from below' to minimize exposure to conflicts and enhance tenure security in their uncertain environments. Several studies document these unregulated institutional innovations in Africa (e.g., Hall et al., 2017; Jain et al., 2016; Katungula, 2020; Santpoort et al., 2021).

For instance, Honig (2022) shows how individuals in Zambia have responded creatively and strategically to tenure insecurity by using informal documents issued by local chiefs to strengthen their claims to formal property rights and increase tenure security. Elsewhere in Zambia, Jain et al. (2016), and Munshifwa et al. (2021) document groups use of local ownership certificates, issued by traditional authorities, to strengthen their land rights. Mathieu et al. (2003) also documents 'bottom-up innovations' in cotton growing western and north-western Burkina Faso, where long-term settlers have promoted the use of short-term land leases to incomers,⁸ in order to preclude conflicts linked to land sales. Where sales have occurred, it has been to co-ethnic incomers (Mathieu et al., 2003).

Meanwhile, Delville-Lavigne (2002) observes in Ivory Coast, Benin, Rwanda, Comoros and Burkina Faso, farmers accumulating land documents, to safeguard acquired rights against any future contingencies that may question their property rights. However, the effectiveness of these documents in safeguarding property rights remains uncertain. In the urban context, Chiodelli and Mazzolini (2019) highlight the resourcefulness of informal settlement dwellers in Maputo who presented the local municipal authorities with a self-drawn detailed neighbourhood plan, to bolster their claim to titles for the land they had occupied informally. They argue that the 'recasting' of planning laws by these dwellers did not flout existing laws, rather it created an alternative formality that increased their 'right to the city'.

These and other studies illustrate the agency of individuals and groups to engage in institutional innovations to counter polarising identities, such as SoS, and address challenges related to tenure insecurity and belonging in Africa. While there is ample analysis of these grassroots processes, none have specifically explored these questions within the context of post-conflict dynamics. Therefore, this analysis is significant, particularly given the limited research on bottom-up institutional innovations in Kenya and the broader context of political violence in Africa. This study fills this gap by examining how the members of Kikuyu ethnic group have navigated challenges related to

belonging and property rights in post-conflict scenarios in Kenya, to claim their rights to property and belonging.

3. Study area and methodology

Case study interpretivist approach (Crowe et al., 2011) was used to generate in-depth micro-qualitative account of the settlement and property right outcomes from the problem of political violence in the larger Burnt Forest area in Uasin Gishu County. Prior to Kenya's independence in 1963, the land where Burnt Forest lies was occupied by white settlers, and therefore, the history of land politics in the area predates post-independence resettlement program.⁹

Burnt Forest township was established in the 1970s through a Kenya Government Gazette Notice dated 27/3/1975¹⁰, which set aside land for the creation of a commercial centre to support the farming hinterland. Burnt Forest, encompassing the township and its surrounding agricultural communities, is situated at the southern tip of Uasin Gishu¹¹ county. The township serves as a hub for both devolved and national government administrative units and also functions as a stopover for long-distance trucks using the Kenya-Uganda road, which passes through the town (Fig. 1).

Before devolution, Uasin Gishu county was one of the districts within the expansive Rift Valley Province, which, along with Central Province, formed the economic heartland of colonial Kenya's white settler economy. Consequently, Burnt Forest emerged as a major resettlement hub in post-independent Kenya, with the Kikuyu and Kalenjin ethnic groups being the primary recipients of land in the area.

The two groups access to land in Burnt Forest was through three settlement categories including the majority high-density plots,¹² for example Olare, Kewet, Rurigi schemes, some low-density plots e.g., Ainabkoi West and East, and several land-buying cooperative societies e.g., Kondoo scheme, and other schemes in the area. While the high and low-density plots exhibited relative ethnic diversity, cooperative societies¹³ settled areas were previously ethnically homogenous.

Burnt Forest has experienced four episodes of land-related political violence, including in 1992, 1993, 1997 and 2007 that may have changed the demographic configurations in the high and low-density and cooperative society settled areas. While the 1992, 1997 and 2007 violence were directly linked to elections, the 1993 violence was occasioned by local Kalenjin resistance to the return of the Kikuyus who had earlier been displaced by the 1992 violence. These factors made Burnt Forest suitable for this analysis as the recursive violence had produced perennial Kikuyu displacement and out-migration, and their unexpected return to the area.

Data was collected in a four-stage approach, with a total of seventy-five participants selected for the study. First, detailed archival analysis was completed at the Kenya National Archives (KNA) in Nairobi. Documents analysed at the KNA included various Kenya National Land Reports, the 1962 Kenya Boundary Commission Report and numerous colonial and early post-colonial state correspondences on land affairs. Archival data was useful in providing background understanding of land issues in Kenya and later inform participant interviews and focus group discussions.

⁹ Ministry of Lands and Settlement MLS/UG.8/5/3.

¹⁰ Ministry of Lands and Settlement MLS/UG.8/5/3.

¹¹ Uasin Gishu county is one of the forty-seven counties that were created by the 2010 constitutional reforms in Kenya.

¹² Typically, small-sized plots measuring 5 ha and below, low density were larger in size, while cooperative society schemes, were bought by groups supported by state run credit facilities. See, Klaus (2020, pp. 84–91), for more on the settlement types.

¹³ It is plausible that the Kikuyu majority in cooperative society settled areas has been subjected to significant violence over the years, potentially altering the demographic composition of these areas.

⁸ Or new arrivals.

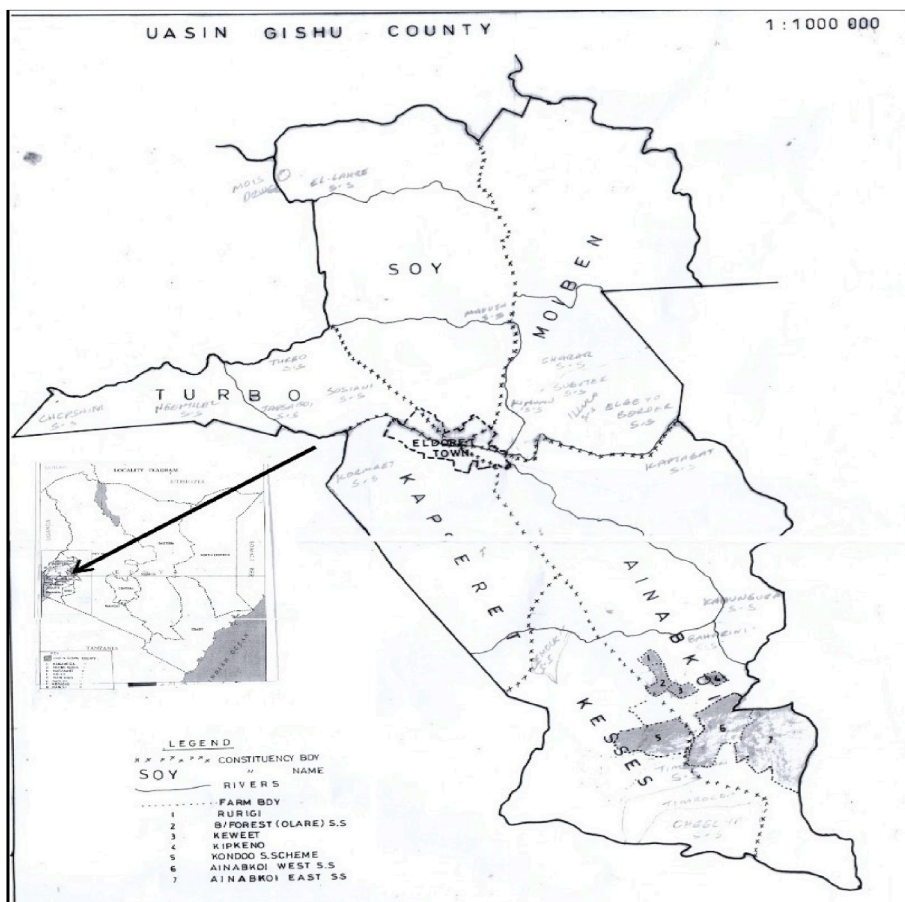


Fig. 1. Map of Uasin Gishu with Burnt Forest and other settlement schemes. Source: The Author. Burnt Forest is located at the bottom right, within the shaded area in the map. Data collection took place within the shaded areas in the map.

Second, land records at the Ministry of Lands and Physical Planning (MLPP) registry in Eldoret town¹⁴ were analysed, as accessibility was allowed, to verify changes to inter-ethnic land ownership patterns in Burnt Forest. Subsequently, in-depth participant interviews and focus group discussions were conducted in Eldoret town and Burnt Forest. A total of 58 individuals engaged in these sessions, including three officials from Kenyan government land entities, a representative from a land-based civil society organisation, and 55 landowners in the Burnt Forest area. Among the Burnt Forest participants, there was a gender distribution of 20 females and 35 males, with ages ranging from 30 to 75 years. Ethnically, the participants consisted of 40 Kikuyu and 15 Kalenjin individuals.

Purposive sampling and snowballing were used to select participants with individual’s ethnicity (i.e., Kikuyu or Kalenjin) being central to inclusion in the interview sample. A total of forty-eight key-informant interviews and three focus group discussions, with a total of ten participants, were carried out between February and August 2020.

Participant interviews and focus groups discussions were narrative-style with ‘how’, ‘what’ and ‘why’ type of questions asked to facilitate in-depth discussions with the participants on key issues revolving around groups settlements in the area, episodes of violence, land and the politics around it and post-conflict dynamics including groups relationships and settlements. The interviews were done over the phone after initial face-to-face recruitment, with discussions recorded and analysed through content analysis.

Transect walk was later completed with guidance from a local

Research Assistant, who acted as a local guide and translator, to observe the post-conflict settlement changes between the Kikuyu and Kalenjin groups in the area as had been narrated by participants in interviews and focus group discussions.

Finally, a two-day expert workshop was conducted in Eldoret, Kenya, to foster further discussion of the data and generate additional insights. The workshop participants included seventeen participants from the national and county governments of Uasin Gishu and Elgeyo Marakwet land management entities, a land-based civil society organisation, academics from various universities in Kenya and representatives from the two communities in the study area. The results from stages one and two of fieldwork are reported below.

4. Introducing sons of village discursive framework

I draw on territoriality to elaborate on the SoV concept. Territoriality has been defined in various ways, including efforts to influence objects, people, and relationships by delineating and asserting control over geographical space (Sack, 1983, p. 56). Therefore, territoriality is conceptualised as a theory of power, operationalized through the categorisation of groups as insiders or outsiders within complex junctures and boundaries, aimed at establishing monopoly over a group’s access to political authority and resources (Peluso, 1992; Peluso & Lund, 2011; Vanderveest & Peluso, 1995).

Theoretical configurations of territoriality have proven useful in elucidating power relations over land and control (Peluso & Lund, 2011), the projection and fixation of boundaries (Corson, 2011), the establishment of conservation frontiers (Bluwstein & Lund, 2018), and the reinforcement of ethnic categorisation (Jenkins, 2012).

¹⁴ Eldoret town is the administrative headquarters of Uasin Gishu County.

Understandably, in the analysis of land and belonging in contested spaces, territoriality has been understood for its exclusionary characteristics, particularly in delineating power relations among groups to deny certain groups access to the full bundle of citizenship and property rights (e.g., Jenkins, 2012; Peluso & Lund, 2011). Consequently, as a political taxonomy of identification and marginalisation that reflects the politics of geography, it shares similar hegemonic vision as SoS (Dunn, 2009; Jackson, 2006).

However, I considered its inclusive potential if it triggered individuals and groups' agency to demand for Arendt's 'right to have rights' (Holston, 2009), whether over land or belonging. From this perspective, territoriality was conceptualised as granting groups and individuals the capacity to exercise agency against exclusionary designations of belonging and access to property rights through the realignment of claims to property rights and belonging via verifiable assertions as SoV.

The SoV 'was conceptualised as an extension of the inclusive attributes of territoriality, that promotes credible links to land through various means such as governmental records, ancestral graves, patrimony, or purchase with verifiability of claims imperative to identification of individuals as SoV, as demonstrated in other contexts (see James, 2007; Mujere, 2011). The concept is therefore posited as a postcolonial notion of identification that legitimizes the mechanisms of modern states in property allocation, including the market, patrimony, and state land allocation. Unlike the SoS, it does not seek ethnic or political domination; rather, it prioritizes secular¹⁵ citizenship in asserting claims over belonging and land.

In considering the causal mechanism for the Kikuyu identification as SoV in Burnt Forest and the essentialisation of their agency, social identity theory modelling of the social psychology of group processes, offered insights into how group membership inspires agency and the consequential channelling of perceptions of injustice into 'redemptive' acts (Abrams & Hogg, 1990; 2004; Van Knippenberg & Hogg, 2003). At the core of social identity theory is that people not only define themselves in individualising and interpersonal terms (of I), but they also psychologically think of themselves as part of a larger group to which they belong (of we) (Abrams & Hogg, 1990; Van Knippenberg & Hogg, 2003).

Through self-categorisation as a member of a community, group experiences and struggles are embraced as self to inspire agency. This agency can manifest in either maintaining the status quo rights, especially if the group holds a superior position, or strives to enhance its' status and address unresolved issues that undermine its reputation if the group occupies a subordinate position (Abrams & Hogg, 1990). The group's intent to uphold or elevate its status can evoke various behavioural and group-based attitudes including being amenable to influence by other group members, motivation to advance group interests and reputation (Van Knippenberg & Hogg, 2003), as well as potential for social mobility if group boundaries are permeable, or social change if boundaries are rigid (Abrams & Hogg, 1990; 2004).

Social change, if selected, encourages groups creative strategies to modify their positioning, including leveraging on new metrics for group comparison, rebranding of group status and position (Abrams & Hogg, 1990; E. Thomas et al., 2012) and creating moments for individuals and groups to assert and impose transformative idioms for self-identification (White, 2009). These exercises are, however, qualifiable only if individuals identify strongly as group members than in individualising terms (Van Knippenberg & Hogg, 2003).

Therefore, in conceptualising transformation of identity from 'I' (a Kikuyu belonging to a larger imagined Kikuyu political community) to 'we' (Burnt Forest Kikuyu SoV) the prediction threshold for reorientation of identity was group simultaneous exposure to adversarial tenure systems in their government settled areas and in alternative

territories that such groups may have aspired to settle in response to displacement. As shown below, stronger reconfiguration of identity to SoV was robust among 'trapped Kikuyu minorities',¹⁶ positioned at the juncture of partisan neo-customary tenure that restricted their admission into traditional homelands and statist tenure regime that predisposed them to political violence. The framework is operationalized below, but first the institutional legacy of the resettlement scheme in Kenya is analysed.

5. The institutional legacy of the resettlement program in Kenya

Disputes concerning land and belonging in post-colonial Kenya trace their origins to the extensive land alienation by the colonial state in the so-called 'White Highlands'¹⁷ (Overton, 1988; Kanyinga, 2009; Gathogo, 2020). Subsequent to land alienation, ethno-polities with delineated boundaries were established to serve as the foundation for colonial rule in Kenya (Harbeson, 1971, 2012; Mamdani, 2006).

While white settlers were governed under a 'civilized society' framework that guaranteed bundles of citizenship rights, the majority African fell under customary leadership structures based on their respective ethnic groups (Mamdani, 2006). This arrangement institutionalized the concept of 'homelands' where individuals considered as 'guests' in post-independence Kenya, failed to have equal rights to land and belonging as those who claimed insider status (Jenkins, 2012; Klaus, 2020). Consequently, ethnicity became essentialized as the primary criterion for citizenship in post-colonial Kenya (Ajulu, 2002; Omolo, 2002; Rutten & Owuor, 2009).

Upon independence in 1963, the Kenyan state initiated a major resettlement program aimed at settling landless citizens, reconciling multiple authorities over land, and consolidating state jurisdiction over rural land in Kenya (Boone, 2011; Kanyinga, 2009; Klaus, 2020). The post-independence action by the Kenyan state, particularly the resettlement of groups considered outsiders – notably the Kikuyu – in areas within the 'White Highlands' claimed by insider groups based on first settler rights – particularly the Kalenjin, instituted a grievance discourse among the Kalenjin SoS (D'Arcy & Cornell, 2016; Jenkins, 2012; Klaus, 2020; Boone et al., 2021).

The later reintroduction of multiparty politics in 1992, essentialized the 'homeland' narrative in the state-settled areas, particularly regarding who had the right to belong, vote and run for political office (Jenkins, 2012; Klaus, 2020; Klaus & Mitchell, 2015). The contestations by local Kalenjin over the Kikuyu's right to belong fomented largescale political violence in the former settlement scheme areas, as evidenced by incidents in 1992, 1993, 1997 and 2007 (Boone, 2011; Kanyinga, 2009; Klaus, 2020; Rutten & Owuor, 2009). Other scholars have also linked the violence to horizontal inequality,¹⁸ stemming from the relative entrepreneurial success of the Kikuyu in their state-settled areas (Stewart, 2010).

While there exist extensive analysis of the resettlement program and its outcomes, particularly regarding political violence in Kenya, there has been less examination of the legacy of the resettlement program on the country's contemporary land institutions, especially its link to post-conflict dynamics. The following analysis, therefore, provides empirical arguments on the institutional legacy of the resettlement program in Kenya, as a foundation for the discussion on property rights outcomes in Burnt Forest, in Section 7.0.

It is argued that the character of land institutions in Kenya, at least

¹⁶ This term has been used by D'Arcy and Cornell (2016) to capture the minority groups residing in counties with other majority groups in Kenya.

¹⁷ The 'White Highlands' is a term given to the former areas in Kenya that were heavily populated by White settlers under colonial rule.

¹⁸ Disparities in wealth, income, or opportunities between groups of people who are perceived to be on the same level or within the same category, such as ethnicity (Stewart, 2010).

¹⁵ Separate from ethnic influence.

prior to the 2010 constitutional reforms, can be attributed to the resettlement program and, especially, the 1966 constitutional reforms that created a powerful Presidency, with considerable executive power over land affairs. These developments, I contend, undermined the evolution of land institutions in Kenya to credible configurations capable of mediating over property rights disputes in multiparty Kenya.

Parallel to the implementation of the resettlement program, the Kenyan state also constituted various land institutions and bureaucracies to support the program. In the immediate years after independence, the semi-autonomous Central Land Board (CLB) and devolved Regional Authorities had jurisdiction over land affairs, including the resettlement program, with the central state retaining residual authority (Harbeson, 2012; Lynch, 2011). However, aspirations by the post-independent Kenyan state, under Jomo Kenyatta, to exert control over land, particularly the resettlement program, led to various constitutional reforms including dissolution of the Regional Authorities and CLB and consolidation of power on the Presidency (Branch & Cheeseman, 2006; Hornsby, 2013).

Following these reforms, the allocative functions previously held by CLB and Regional Authorities were transferred to the Ministry for Lands and Settlement (MLS). However, the Presidency also gained significant veto power over land affairs (Harbeson, 1971, 2012). Consequently, as formal land institutions under the MLS were evolving to oversee the resettlement program, they operated within the expansive authority of the Presidency, especially its executive bureaucracy, the Provincial Administration (PA).

The PA, a colonial holdover, retained its significance in the post-colonial Kenyan state as a security and administrative bureaucracy associated with the Presidency (Barkan & Chege, 1989; Hassan, 2020). Its ubiquity and ties to the Presidency endowed it power to preside over local state functions, primarily maintenance of law and order, but also over land affairs, where its agents supervised local Land Control Boards responsible for beneficiary selection (Branch & Cheeseman, 2006). Post-colonial land institutions in Kenya, thus, developed within a parallel institutional landscape, with the MLS serving as the institutional veto player and the PA, supported by the Presidency, acting as the partisan veto player with unrestricted executive authority over the MLS.

This arrangement, I suggest, spawned an 'unbalanced institutional'¹⁹ landscape where the formal role of the MLS coexisted and competed with the PA in several post-colonial Kenyan regimes (Barkan & Chege, 1989; Brown, 2001), as both the PA and the MLS held adjudicative authority over land affairs. I argue that this institutional configuration is one of the major legacies of the resettlement program in Kenya, at least prior to the 2010 constitutional reforms, although emerging evidence indicates the enduring influence of former political and administrative structures on reformed land institutions in Kenya (Boone et al., 2019; Di Matteo, 2022).

The failure by the recent regimes in Kenya to abolish the PA and align with the devolved governance system enacted in the 2010 constitution, which aimed at demobilising the PA and transferring its authority to county governments, has resulted in PA retention of influence over land affairs in Kenya. This was particularly evident in rural areas, where I found that the PA's accessibility and reputation as an economical arbitrator in land disputes in Burnt Forest positioned it as the preferred choice for resolving local conflicts.

I also found their enduring control over land transfers in the study area, through their facilitation of 'informal formalisation' of tenure. I conceptualised PA's continued facilitation of land transfers as enabled by default institutional legacies and bureaucratic gaps that inevitably develops once new institutions emerge and begin to perform their assigned tasks. As I show below, at the juncture of old and new institutions, administrative ambiguities may emerge to be successfully exploited by institutional entrepreneurs who desires to forge new

arrangements that protects their tenure rights.

Therefore, in considering the typology of land institutions in Kenya, I argue that they should be evaluated within their post-colonial cheek by jowl evolution with the different regimes in Kenya and the corresponding administrative character of the PA. This approach would help understand ongoing institutional tensions, the capacity of old institutions to reproduce themselves, and the enduring contestations over land and belonging in Kenya.

This typology illustrates the core symmetry in multiparty Kenya where violence, whether politically motivated or not, has become the preferred recourse for addressing perceived grievances over land. I contend this is because perpetrators of violence have first viewed themselves as victims of institutional processes before becoming aggressors. As demonstrated below, this institutional legacy may have motivated groups to forge organic arrangements that secures their tenure and consolidate their belonging in contested spaces.

6. Navigating contested belonging: The Kikuyu assertion of rights in Burnt Forest

Theoretical arguments contends that the typology of groups response to land conflicts in Africa is contingent on the jurisdictional²⁰ scale under which communities fight for their land rights, as each scale of governance produces exclusive claims and spectre of violence that may, then, induce divergent action from the affected group (Boone, 2013). Responses to violence may include out-migration if groups rights are severely threatened, staying put in ongoing relationships if the threat level is low, or seeking redress through action in a political arena with each choice determined by the character of local institutions (Boone, 2013).

The attendant discussion leverages on (Boone, 2013) formulation on land regimes and structure of politics in Africa, to highlight that under partisan land institutions and tenure systems - including neo-customary and statist tenure regimes - outsider groups belonging and access to land rights can be enabled by organic discourses, such as SoV, which simultaneously, delegitimises and challenges exclusionary identities, such as SoS, while promoting those that privileges credible link to land.

At the de-scalation of the 2007 violence, the lack of capacity by the Kenyan state to protect the lives and properties of its citizens was made apparent by the largescale out-migration of violence victims to urban sites and other areas with co-ethnic majorities (Githongo, 2010). This contrasts with the previous episodes of violence in 1992 and 1997, during which groups responded by migrating to cosmopolitan areas-although a considerable number of individuals chose to remain in the affected regions. The scale of the 2007 violence and the absence of restorative justice mechanism motivated the largescale exit by the victims²¹ (Githongo, 2010).

In Burnt Forest, a considerable proportion of the Kikuyu, who were victims of violence, migrated to cosmopolitan urban centres and other localities where their co-ethnic majorities resided including in the Central Rift Valley and, the Kikuyu homeland in Central Kenya as was narrated by one of my participants from the Kikuyu ethnic group and corroborated by others:

"After what (the Kikuyu) went through it was impossible for most of us to stay put in Burnt Forest. Everybody wanted to leave especially because a Kikuyu-headed government had failed to protect us. This

²⁰ Refers to the institutional source or site, within a national system of territorial administration, of the land allocator's authority (Boone, 2013, p. 194).

²¹ Estimates of the number of Kikuyu who moved out from Burnt Forest are unknown., but over 1300 people were killed and 600 000 displaced around the country with Rift Valley region where Burnt Forest is located registering the highest number of casualties.

¹⁹ Borrowed from Branch and Cheeseman (2006).

place was emptied of Kikuyus as many migrated to urban areas and other places where the Kikuyu were the majority”.

It has also been suggested that variations in local land competition in Africa yields different kinds of conflicts, including familial disputes caused by land scarcity and strife over inheritance within neo-customary tenure (Boone, 2014). This synonymised the diverse experiences faced by Kikuyu migrants in their newly settled areas. While migrants to the Central Rift Valley²² found favourable demographic and institutional configurations that made settlement and integration easy, those who migrated to Central Kenya were confronted with familial competition over land linked to neo-customary tenure.

Under neo-customary tenure, groups compete for land as insider landlords and outsider tenants, with outsiders' settlement status contingent on the forbearance rights of the insider-landlords²³ (Boone, 2017). Settlement for co-ethnic outsiders, therefore, may be untenable as the new entrants may find existing norms inimical to their long-term stay (Ostrom, 2000) and the insider landlords may not trust the new entrants (Ostrom, 2000).

The possibility for long term settlement of Burnt Forest Kikuyu migrants in their traditional homeland in Central Kenya, was restricted by familial competition imposed by neo-customary tenure. The options for the migrants was to either live as 'second-class citizens' shadowed by their co-ethnic landlords, or relocate to other areas with favourable settlement configurations. This was captured by one of my participants from the Kikuyu ethnic group and corroborated by the rest:

“When we moved to Nyeri (in Central Kenya) my sister asked me why I had relocated my family there and yet there was no land for me. She told me that the family land had already been claimed and if I wanted land then I had to purchase mine”.

Because of these dynamics and the intensity of familial land competition in Central Kenya, many of the Burnt Forest Kikuyu migrants, displaced by the 2007 violence, were forced to exit the area and relocate back to either Burnt Forest, or to the relatively accommodative Central Rift Valley. This was captured by one of the participants from the Kikuyu ethnic group:

“Most Kikuyu who migrated to Central Kenya could not believe what they were subjected to by their own people. They were openly hostile and accused us of being 'bad guests'²⁴, in Burnt Forest. We expected some sympathy and accommodation, but it was clear that they were not ready to welcome us. So, most opted to move back to Burnt Forest”.

Lonsdale (1994) discusses the basis for Kikuyu citizenship which he contends is class-based and influenced by norms of possessive individualism that prioritise personal achievement over communal solidarity. The underlying dynamics of familial land competition and rejection of the Burnt Forest Kikuyu by their counterparts in Central Kenya can be analysed through the optics of Kikuyu moral economy. Intense land competition under neo-customary tenure in Central Kenya fractured Kikuyu solidarity with individualism prioritised over altruism, to narrow the possibility for settlement for the migrating co-ethnics based on mere ethnicity.

The ensuing tensions and intra-ethnic cleavages, of insider-landlord and outsider-tenant under neo-customary tenure, undermined the premise for Kikuyu migrants claiming land in Central Kenya on ethnic affiliation. These tensions generated a discursive Kikuyu political

²² The Central Rift Valley counties of Laikipia and Nakuru, although claimed by the Kalenjin and the Masai as ancestral homelands, has considerable Kikuyu majority that has subordinated these claims.

²³ Landlord is used here to imply those with forbearance rights over property, while tenants are those without.

²⁴ See Jenkins (2012).

discussion on identity and belonging; precisely, what exactly constituted the Kikuyu homeland, 'historicised ancestral' in Central Kenya or those 'exclusively acquired' in other areas? This sentiment was articulated by one of the participants from the Kikuyu ethnic group and supported by the others:

“When our people rejected us, it became clear that our claim to land had to be through purchase and not any ancestral link to Central Kenya. Any Kikuyu from Burnt Forest had to go back and claim his/her land”.

Social identity theory informs us that individuals' and groups' perceptions of self in relation to others can strongly influence their political actions (E. Thomas et al., 2012). A group that perceives its lower status as unsustainable and envisions the possibility of a different social order, will inevitably engage in self-assessment and strive for improvement to enhance its status (Abrams & Hogg, 2004). The same was applicable to the migrant Kikuyus, who rejected by their co-ethnics, activated their dormant agency to self-identify as distinct from their Central Kenya relatives. This was narrated by one of my Kikuyu participants and repeated by others:

“When we were rejected, we realised that we had nothing in common (with co-ethnics in Central Kenya) except the language and that we were actually different. They were Central Kenya Kikuyu, and we were the Rift Valley Kikuyu, and it was up to us to fight for our land in the Rift Valley”.

This rejection triggered a reconfiguration of Kikuyu indigeneity and belonging with the prior singular Kikuyu identity decoupled into: Burnt Forest Kikuyu, who claimed belonging and land rights through purchase, patrimony and/or state allocation and the Central Kenya Kikuyu, claiming rights based on ancestry, patrimony and purchase. Because of their rejection, many of the Burnt Forest Kikuyu began to return to their previous homes, at least from 2010 onwards, to reassert their exclusive claims to land and belonging.

But how do the displaced and dispossessed reclaim their belonging and land rights in contested spaces? I argue that the return of such groups to such spaces is enabled by their adoption of organic identities and counter-narratives that resonates with insider groups who claim first-settlement rights. For the 'returnee' Kikuyu, they adopted the symbolically relevant SoV identity, to counter the restrictive SoS, and assert their rights to belonging and land in Burnt Forest.

The Kikuyu assertion as SoV was facilitated by the fact that the returnees were second, third and fourth generation of Burnt Forest Kikuyu whose sole connection to Central Kenya was through common Kikuyu language and culture. Consequently, they were able to imagine and establish an alternative political community in Burnt Forest, that delinked them from their co-ethnics in Central Kenya. This I argue is the SoV identity.

Through SoV the Burnt Forest Kikuyu 'diasporic' identity, rooted in having settlement options in Central Kenya, was dissolved with a Burnt Forest Kikuyu identity, with no such settlement options emerging. The Burnt Forest Kikuyu identify was no longer subject to contestation but to be recognised²⁵ by the Kalenjin SoS. This shift was explained by a Kikuyu participant in a focus group discussion and corroborated by the four others:

“We are not just Kikuyu but Burnt Forest Kikuyu and we belong here as we have no claims to Central Kenya and they (the Kalenjin) have to accept this”.

Endowed by the SoV identity, the Burnt Forest Kikuyu asserted their indigenous status in the area, woven through a rich tapestry of past experiences, including patrimony, purchase, and victimhood from

²⁵ Lund's (2011) notion of 'recognition' entails the consent of an insider group to grant outsider groups the 'right to have rights' over land and belonging.

previous violence. Over several generations, the Burnt Forest Kikuyu had developed ritualistic connections to the area including their victimhood in incidents of violence in 1992, 1993, 1997, and 2007, and ancestral burial sites. Different African communities use burial sites to authenticate their claims to land as it generates an attachment that is both political and cultural (Jenkins, 2012) and validates claims to land (Klopp, 2002; Mujere, 2011).

While burial sites have been used to justify exclusionary citizenship in Kenya (Jenkins, 2012), I suggest that it became inclusive as long as the Burnt Forest Kikuyu invoked it to credibly justify their ‘ancestral’ connection to their land. This served to constrain the Kalenjin universalistic claims to the entire geographical space of Burnt Forest. This was narrated by one of my participants from the Kikuyu ethnic group and was a general theme among the Kikuyu participants:

“My grandparents and my parents were all buried in this place and if I die, I will be buried here. This land is mine as much as it is theirs’ and there is no way someone will force me out of this place”.

I contend that the adoption of the SoV identity enabled Kikuyu ‘aliens’ to ‘belong’ and having, thence, reconstituted themselves, they were able to access, what Greif (2006) terms as social control systems,²⁶ which as a social institution, enabled them to challenge Kalenjin exclusive claims over land and belonging and forge new institutional disposition on property rights, as I show next.

Among the local Kalenjin, the failure of the previous violence to completely dislodge the Kikuyu from Burnt Forest had led to their ‘reluctant’ acceptance of the Kikuyu legitimacy to settle in the area. They conceptualised the Kikuyus’ ‘rights to have rights’ over their property and belonging as stemming from their previous victimhood. The acceptance of Kikuyu settlement by the Kalenjin was a general theme among the Kalenjin participants in the study, as narrated by one of my participants in a focus group discussion and corroborated by the other two Kalenjin Participants:

“It is obvious that the Kikuyu will not leave here and no matter the scale of violence, they will always come back to claim their property. The Kalenjin are now beginning to realise this, and they are accepting that this is equally Kikuyu home. After all, they have suffered long enough from violence”.

The Kalenjin ‘recognition’ of Kikuyu ‘victimhood’ had a remedial effect including, downgrading their veto power over Kikuyu settlement in Burnt Forest and triggering joint mobilisation by both groups to relocate to areas with co-ethnic majorities, as discussed next.

These dynamics reflects the contradictions inherent in the constitution of citizenship and belonging in post-colonial Kenya. That the failure of the Kenyan state to guarantee citizenship rights has resulted in its appropriation by ‘aliens’, through adoption of organic models of identification such as SoV. Adverse political conditions have forced ‘aliens’ to redefine their identity by invoking ritualistic attachment to space in equal measure as SoS, hence, dissolving ambiguities linked to belonging and land ownership.

These outcomes demonstrates that while, Kenya’s first president, Jomo Kenyatta aspirations of liberal citizenry with rights to settle anywhere collapsed under, the second president, Daniel Moi illiberal ethnic citizenry, political violence has, unexpectedly, provided the framework for victims of such violence to transcend illiberal citizenry and assert their rights over land and belonging. The question, therefore, is how did these changes impact on the structure of local property rights? This is explored in the following discussion.

²⁶ Process whereby society seeks conformity to the dominant values and norms in that society.

7. Political violence and property rights outcomes in Burnt Forest

War and political violence have been observed to produce changes in group boundaries, leading to the consolidation of identities and reinforcement of ethnic boundaries (Conversi, 1999; Kasara, 2013; Klaus, 2020). These outcomes are especially pronounced in situations where violence is recurrent and intimate, with perpetrators and victims being familiar with each other (Wrong, 2021). In such contexts, groups may deliberately alter their relationship with one another in response to ongoing interactions (Barth, 1969).

In Burnt Forest, the previous cycles of violence in 1992, 1993, 1997 and 2007, had unfolded within intimate settings, where both the perpetrators and victims were familiar with each other. Consider the narration by my participant from the Kikuyu ethnic group about the 2007 violence:

“You know the same people who attacked us that evening, were the same we were worshipping with in the church that morning. That is how tragic it was”.

A noticeable outcome in Burnt Forest was an ongoing repositioning of groups settlement status as the Kikuyu and Kalenjin each shift to live in local areas with co-ethnic majority. Therefore, as group boundaries have become externally rigid, internally they have become permeable to enable each group to shift and live in local areas with co-ethnic majorities. This was narrated by my participant from the Kikuyu ethnic group:

“After what the Kikuyu went through in 2007 it became untenable to live next to the Kalenjin. The fact that you could see your stolen item with your neighbour, made it worse. We just could not trust them anymore and even them; they do not trust us. So, each group has been moving to live with their people as this is the only way you are guaranteed of security”.

As Unruh (2002) notes, because land tenure systems function by integrating rights and obligations into group relationships, conflicts may disrupt this arrangement by either terminating or suspending existing rights, particularly for groups whose land access is based on default occupation. In response to their precarious status, such groups may seek new arrangements in land ownership to mitigate these risks (Unruh, 2002). This was evident in Burnt Forest, where the adoption of the SoV identity by the Kikuyu, coupled with both groups’ preference to reside in areas with a co-ethnic majority, inspired inter-ethnic formal and informal land transactions.

Formal transactions involved inter-ethnic land transfers through the local land market, with the transactions formalised through registration at the Land Office in Eldoret town. Data from the Uasin Gishu County Land Registry in selected schemes showed an increase in inter-ethnic land transfers, from 2008 onwards, relative to ethnic composition in specific settlements as shown in the Table 1 below.

Informal transactions involved inter-ethnic land exchanges, where individuals from the opposite ethnic groups residing in areas with

Table 1
Inter-ethnic Land Transfers in Selected Settlement Schemes in the Larger Burnt Forest Area. There were also Kikuyu-Kikuyu and Kalenjin-Kalenjin transfers in areas where each were the dominant group, but these are not captured here. Source: Fieldwork Data (2020).

| Settlement scheme | Ethnic majority | Land transfers | |
|-------------------|-----------------|--------------------|--------------------|
| | | Kalenjin to Kikuyu | Kikuyu to Kalenjin |
| Kondoo | Kikuyu | 45 | 0 |
| Rorien | Kikuyu | 67 | 0 |
| Rurigi | Kikuyu | 47 | 12 |
| Koiluget, | Kalenjin | 0 | 55 |
| Ainabkoi West | Kalenjin | 0 | 115 |
| Ainabkoi North | Kalenjin | 0 | 97 |

majority ethnic other, exchanged the same proportion of land. Informal transfers were preferred to formal as they were easier to complete, and landowners were able to retain the true value of their properties for future sale at the correct valuation.²⁷ This was explained by my participant from the Kalenjin ethnic group:

“You don’t want to sell your land just after the violence as you will definitely make a loss. So, people have been exchanging land to navigate this problem. You get someone from the other ethnic group with same size of land as yours and you exchange”.

The informal land transfers²⁸ were made possible by the administrative support from the PA whose local agents coordinated the transactions and provided the necessary state endorsement and enforcement mechanism that moderated potential collective action problems - including lack of coordination and lowered the associated costs. The PA action also fostered cooperation between individuals from the two ethnic groups to make these changes desirable. This was explained by my participant from the Kalenjin ethnic group:

“All these transfers were completed with the help of the Sub-County Officer (a PA agent). You go to their office with whoever you want to exchange land with, carrying your documentations and the officer will complete due diligence and then issue the letter of transfer that shows that you have exchanged land”.

The letters of transfer provided by the Sub-County Officer (SCO) were extra-legal documents, as they were unenforceable in courts, as the SCO had no legal mandate over land transfers, yet the letters had identifiable state authority as the issuer was an officer of the Kenyan government associated with the powerful Office of the President. These letters qualified the bearers to formally register the informal exchange with the local land office in Eldoret enabling them to acquire title deeds. This was explained by my participant from one of the Kenyan government land agencies.

“We were forced to register these (informal) transfers because a government agency had provided authorisation letters. A government department cannot refuse to recognise an action taken by a different unit. You do that and you end up with a lot of legal problems. We registered these transfers but made it clear to the Office of President that the (informal transfers) had to stop”.

The formal and informal land transactions in Burnt Forest, were made desirable by the low costs involved as the post-colonial resettlement program had instituted appropriate administrative systems, including cadastral maps, that made exchanges and sale relatively affordable. Further, the preference for residing in areas with co-ethnic majorities, as a mechanism of ensuring confidence in individuals’ future political actions, made the formalisation of tenure desirable. These outcomes were confirmed through transect walk, and informal conversations with several Kikuyu inhabitants, who affirmed their support for owning land in local co-ethnic majority areas.

Among other Kikuyu inhabitants, there was increased urgency to formally register their land and obtain title deed, to bolster their future claims over land. This sentiment was expressed by one of the participants from the Kikuyu ethnic group and corroborated by others:

“If we have learnt something from the previous violence is that you are better off having a title for your land. That way, you can easily dispose it and even if you relocate, nobody can take the land away from you. So now anyone who did not have a title is processing one”.

²⁷ Land prices typically collapsed in the aftermath of the violence.

²⁸ According to my Participant from a Kenyan government land agency, the informal transfers have been ongoing for a long time with approval from the Ministry of Lands. The Ministry only changed its stance to disowning these transactions after changes to land laws in 2010.

The fifty-five landowners in the study, from Burnt Forest, possessed title deeds with twenty-five having sold or exchanged land with the ethnic-other after the 2007 violence and subsequently processed the title deed. The motivation for formalisation of rights stemmed from the perception that inter-ethnic transfers and registration were yielding more winners than losers, including the security of living with co-ethnics and emergence of exclusive forms of land ownership. I suggest that these developments have the potential to gradually shift overall local property rights towards exclusive forms and transform existing contractual arrangement from the state, as the guarantor of rights, to individualised tenure.

Consistent with previous observation that political violence has inadvertently prompted groups to assert their liberal citizenship in certain regions of Kenya, in the long run, it is also motivating institutional entrepreneurs to seek innovations that protect their tenure rights. This ‘bottom-up innovation’ underscores the validity of [Menkhaus’s \(2006\)](#) prediction that local communities would adapt in various ways to minimize risk and enhance predictability in their dangerous environment.

8. Conclusion

Discussions on land and political order in Africa have focused on the post-colonial state’s land distribution programs and their outcomes, particularly political violence in various contexts. While the issue of land has undeniably played a central role in instigating violence across many African regions, there has been noticeable lack of emphasis on how groups affected by such outcomes have enhanced the security of their land tenure and belonging.

Recent scholarly attention has turned towards local institutional innovation processes emerging in several places in Africa as a means of addressing the problem of tenure (in)security ([Chiodelli & Mazzolini, 2019](#); [Honig, 2022](#); [Jain et al., 2016](#)). Nevertheless, even within this ‘bottom-up institutional innovation’ literature, a systematic terminology that unifies these informal actions is conspicuously absent.

This article addresses these gaps by first analysing the transition from conflict to coexistence among previously antagonistic groups within a specific context in Kenya. Additionally, it investigates how those classified as ethnic outsiders by SoS have reaffirmed their belonging and claims to property rights. In doing so, the SoV concept is introduced as a unifying terminology for understanding the diverse informal mechanisms for claiming land and belonging in contested spaces.

It is posited that the SoV concept embodies a social institution that functions as a foundational basis for initiating discussions on belonging and access to property rights for ethnic outsiders within contested spaces in post-colonial Africa. The SoV draws its inspiration from credible and verifiable connections to property rights, whether through purchase, patrimony or state allocation, to challenge the SoS ethnic-centric narratives regarding property rights and belonging. It, therefore, highlights the diverse pathways through which belonging and access to land can be attained in post-colonial context, transcending understandings solely rooted in colonial legacies. Additionally, it essentializes and legitimizes the mechanism of land access associated with the modern states, such as land purchase.

The SoV, as articulated, seeks to redefine the conceptual understanding of citizenship and belonging by prioritizing creative expressions of citizenship that address inherent challenges, through what [Isin and Turner \(2002\)](#) term ‘acts of citizenship’. This perspective underscores the importance of human agency over structural constraints, suggesting that without such agency, individuals would merely be passive citizens subject to predetermined conditions. Its moral underpinning is further supported by [Lund’s \(2011\)](#) notion of ‘recognition’, which entails the consent of an insider group to grant outsider groups the ‘right to have rights’ over land and belonging.

I suggest that the SoV has the potential to inspire ‘subjective outsiders’, as creations of partisan tenure systems in Africa, to advocate for

a more inclusive interpretation of post-colonial citizenship that accommodates diverse ethnic interests. This viewpoint underscores the dynamic nature of place and space (Massey, 2004), as well as Lawson and Rothchild's (2005) observation of African societies transitioning from colonial-era statehood models towards practical solutions that address the complexities of their present realities. Consequently, SoV represents an optimistic approach to identity and belonging in post-colonial settings, aligning with the aspirations of modern states.

Extended to land, these changes have the potential to improve tenure security for groups settled by post-colonial African states in designated areas. By fostering credible connections to land, these transformations can challenge SOs veto power over property rights and also reduce state control over rights-holders. In conclusion, these developments in Burnt Forest, Kenya, underscore the self-organising capacity of groups to develop mechanism for coexistence and peacebuilding that align with their local realities (Leonardsson & Rudd, 2015; Mac Ginty, 2011; De Coning, 2016; Bjorkdahl et al., 2017) such as residing in co-ethnic majority areas as a means of credibly predicting the future political actions of their neighbours. Future analysis should consider the broader applicability of the SoV concept in other African contexts and assess the potential political outcomes, whether positive or negative, of the constituencies that may prefer the status quo to persist in land ownership and claims to belonging.

CRedit authorship contribution statement

Fredrick Ajwang: Writing – review & editing, Writing – original draft, Resources, Project administration, Methodology, Investigation, Funding acquisition, Formal analysis, Data curation, Conceptualization.

Declaration of competing interest

None.

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