

Land Based Conflicts Influencing Land Ownership by Religious Groups in Vihiga County, Kenya

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Abstract

Vihiga forms part of the counties with the dense population in Kenya having its recent population density of one thousand and forty-five people per square km. This population has exerted massive pressure on existing land resource leading to fragmentation of land together with battles over land resource. The religious groups in Vihiga County have not been exempted from these land conflicts. Nevertheless, the weightiness of the problem has not been steadily evaluated and documented. This research investigated conflicts facing land ownership by religious groups in Vihiga County and proposed policy and planning interventions. A descriptive survey research design was employed for the research where the target population was 350 consisting 150 pastors and 200 church members. The sample size was 215 respondents that included 15 pastors and 200 church members chosen using purposive sampling and simple random sampling. Secondary data was collected through literature search while primary data were gathered with the use of questionnaires, check lists, observation, key informant interviews, focus group discussions and interview guide. The data was then analyzed using descriptive statistics in the Statistical Package Social Science (SPSS) Version 20 after which they were presented in charts, tables, text and photographs. Results disclosed a strong negative association between level of education and prevalence of land-related conflicts among congregants in churches within Vihiga County. It is recommended that religious groups in Vihiga County should have their land documented to enhance land ownership. Policy and planning interventions for increasing access to education by residents of Vihiga County should be enhanced by the government, so as to reduce cases of violence and conflicts related to land ownership.

Keywords: Land ownership, conflicts, religious groups, land

INTRODUCTION

Land is an area of ground, especially one that is used for a particular purpose such as farming or building. Land ownership refers to the possession of land. All over the world, this has been a contentious issue. Land reform entails the altering of laws, rule or traditions about land ownership from more authoritative to the less authoritative, that is, from the noble to personal ownership by the ones working on land. (New Kenyan Constitution: 2005)

GoK (2005) focuses on how land policy will affect Kenyans; the “New law was provided as a basis for sustainable use and proper management of land resources, land use, planning and environmental conservation” the new law was to reduce the number of Title Deeds issued by the ministry. The reason behind this move was to reduce land subdivision to a minimum of 2.5 acres in agriculturally productive areas in order to ensure efficient and productive land use. This proposal was to radically alter the land tenure and ownership systems in such densely populated but agriculturally rich provinces like Central, Western, Rift Valley, and parts of Eastern. Ambrose Rachier (2011) argues: “If you sub-divide arable land into small

units it makes the land useless.” That is why even the constitution offers parliament the directive to establish out minimum as well as maximum acreage so that the land can be put into productive usage. Kenya is 582,646 square kilometers in area but only 17% of it is suitable for rain fed agriculture. About 12% is covered by forest resources. The remaining 82% comprises of arid as well as semi-arid lands (Asals) which are represented by grassland and savannah range lands Karuga (2009).

Partially, land reform is controversial for the reason that concepts stating what it implies to access or govern land for instance through ‘land tenure’ or ‘land ownership’ varies substantially athwart areas or even inside countries. When people fight to control land, pressures as well as fights emerge between people who lose and ones who gain. Currently, control of land as well as usage of land takes several forms which may be formal or informal land ownership. These comprise of traditional land tenure, life estate, feudal land ownership, fee simple, fee tail, interest in real property that ends at death, hereditary and non-transferable ownership of real property. In public law – the most comprehensive ownership interest in actual property, lease hold or rental, share cropping, agricultural labour – somebody works on the land to obtain money, payment in generous or a blending of the two, land access by means of a membership in a cooperative, joint ownership, or shares in a company, government collective like those in communalist states-government owner several agricultural land is united in several manners with tenure for agricultural collectives.

A short-term review of conflicts in Africa demonstrates these reflective associations between land and the inception of violence as well as political discord. For example, the civil war that begun in the year 2002 in Cote d’Ivoire, even though seemingly winding down, shows changing aspects around land as well as identity. Chauveau and Colin (2005) reported that the land matter remains delicate in this principally rural country, where roughly forty percent of the inhabitants is of overseas origin (mainly Burkinabe but likewise Malian as well as Guinean). Land disputes additionally expanded in Nigeria, where the control of the oil resources has caused a devastating effect on land practices. Akpan (2005) noted that the withdrawal of local tribes in Niger River states and the Niger Delta in search of oil production has resulted to an expanding wave of violence as from 1999.

In Kenya, extreme inequality and landlessness have unraveled the purported successes of the post-settler ‘Million Acre Scheme’, with Kenya’s landless nowadays intimidating land raids as reported by Yamano and Deininger (2005). Certainly, Kenya’s 2007 post-electoral skirmishes are directly connected to the menace of land raids. Additional form of land warfare is going on in Zimbabwe. Whatever was on one occasion regarded as an admirable illustration of legitimately stirred reunion is now characterized as a deteriorating state as has been noted by Chitiyo (2003). Even if the land interrogation has not inclined into civil war, Robert Mugabe’s accelerated land reform program has ruined agricultural production and also forced nearly a quarter of Zimbabweans to be reliant on food relief. In neighboring South Africa, the ANC promises of land reform are still unrealized. The simple 4 percent of land reallocated from the foremost autonomous elections and, synchronously, the rising discriminations within the society, united with the killing of one thousand, five hundred white farmers from 1994, all emphasize the ongoing understanding of the land issue.

In East Africa, the dispute between Kenya and Uganda over Migingo and Ugingo Islands has escalated in the last few days after Kenya sent 50 officers to the island. The Rift Valley’s deadly land row has experience some of the world worst ethnic clash. The region remains volatile to date. Other communities that have experienced this land conflicts include: the Ogiek community in the Rift Valley the Nubia-Lengutia, the Chonyi community in Kilifi and the Luhya/Luo (Banyore and Luos) in Vihiga County. The church

has equally been affected in land conflict. A good example is the Kiambaa church that was razed to the ground with faithful who had taken refuge there during the 2007/2008 post-election violence. A series of churches have been demolished either by villagers, city councils over land disputes.

Vihiga forms part of the counties that are most densely populated in Kenya and its existing population density is one thousand and forty-five people per square km. The elevated population has exercised massive pressure on existing land resource leading to uneconomical subdivision as well as land fragmentation. Nevertheless, the momentousness of the matter has never been steadily analyzed and documented. Utilizing simple random sampling method, one hundred and twenty-seven (127) household from Lusengeli Sublocation found in Sabatia District and one hundred and eighty-three (183) household from Esianda Sub location found in Vihiga District were cross-examined to determine the level as well as causes of un-economical land subdivision and land fragmentation. Additionally, primary data were gathered with the use of household questionnaires, check list, observation, focus group discussions and key informant interviews. The data was analyzed using descriptive statistics after which they were presented in form of tables, text, photographs and charts. Using Simons Index (SI), the research discloses existence of land fragmentation in the county. Nevertheless, the fragmentation level is higher in Lusengeli Sublocation (0.5) as compared to Esianda Sublocation (0.8) with an overall mean of 0.65. Additionally, there is a problem of little land size as well as uneconomical land sub-division with mean household land size of 0.41 hectares. A huge percentage of households (56.5%) do not have land title deeds where they live in. The root of uneconomic land subdivision as well as land fragmentation is custom of land inheritance, land buying for investment, farming or leaving for the heirs along with need for settlement space. Land fragmentation has socio-economic as well as environmental effects on rural growth. Apart from land associated conflicts that are linked to uneconomic sub-division along with Land fragmentation in the county, there is documented population out migration, little household income and undesirable environment effect. Even though spread settlement pattern is favored, the challenge it postures to an extremely populated zone having scarce land resource is realized. However, the worth of cluster settlement are accredited yet there is prerequisite of attitude variation to hold this type of settlement. The research have recommendation as follows: Allowing functional as well as active land market by easing attainment of land title deed, opening a land bank program, observing land use planning in both urban and rural areas, alternate system of inheritance to substitute land inheritance, land merging at household along with neighborhood level, family planning to regulate population growth and creation of additional job opportunities.

Importance of land to Society

The significance of land in society can be recognized in environmental, cultural, historical, socio-political and economic terms. The most common concept with respects to the significance of land is in economic terms. Land in this context is the chief spring of wealth, and power and social status. It is additionally “the most significant provider of employment opportunities in rural areas and is an increasingly scarce resource in urban areas” (FIG, 2001). Therefore, securing land rights leads to economic progress, and thus as well helps in reduction of poverty as reported by Cotula et al. (2006). Economically, land additionally performs a substantial function as a provider of natural resources for instance minerals, water, oil, etc. and is the origin of countless political skirmishes over these resources as noted by Nie (2003).

Similarly, in environmental, land performs a vast role. Land use has a foremost impact on the worldwide environment: “...changes to forests, farmlands and water ways are being

driven by the need to provide food, fiber, water, and shelter to more than six billion people” (Foley et al. 2005). Specifically, worldwide grasslands, urban zones and croplands have extended enormously in current decades. This, in addition to loss of biodiversity, amplified demand in fertilizer, energy and water consumption have a significant effect on the living systems: “Such changes in land use have enabled humans to appropriate an increasing share of the planet’s resources, but they also potentially undermine the capacity of ecosystems to sustain food production, maintain freshwater and forest resources, regulate climate and air quality, and ameliorate infectious diseases” (Foley et al. 2005).

Land – particularly in remote areas – is expressively vital in identifying the identity of an individual. Politically and sociologically, it can be detected that there “is a strong correlation in many societies between the decision-making powers that a person enjoys and the quantity and quality of land rights held by that person” (FAO, 2002). Land is therefore “an important aspect of household, community, and national decision-making powers” (FAO, 2002).

This is particularly appropriate in rural areas where societal elimination or attachment depends on a person’s proprietorship of land. The right to take part in decisions of the public, planning of metropolitan, as well as elections occasionally, may be based on the status of a person in urban areas as a “resident” or “home owner” (FAO, 2019).

Land may additionally be of countless cultural and historical worth for an assemblage of people, for instance in a community. Very frequently, fragments of land are attributed to certain religious meanings as well as customs. Antrop, 2005 documented that land creates a symbolic meaning which alters over time and describes people’s association to their environment.

Corruption in land Governance

Corruption in governing of land is a weighty problem in several countries, specifically in Sub-Saharan Africa. It results to apprehensive tenure rights, and therefore leads to unsustainable utilization of land, food uncertainty, discrimination, ferocious conflicts, along with the interruption of livelihood structures. To come up with successful counter-measures contrary to corruption in governing of land, it is vital to attain a precise knowledge of the feeble spots in the corresponding land governance system.

In Kenya raising worth of urban land have resulted in exaggerated competition over the usage of municipal land in Nairobi. The St Catherine School found in Nairobi South B a faith based sponsored school is an illustration that expresses how public institutions as well as private investors compete over high-priced town/city land. The school is fighting to safe its land and at the same time protect the impending of the right to education for its scholars in contrary to investors who want to utilize the school land for their drives.

Furthermore, men along with women have officially equal rights and therefore are eligible to accede to land titles from family memberships. Nevertheless, it appears to be public exercise in Kenya among several other regions of Sub-Saharan Africa that women, particularly in rural areas, are destitute of their rights to inheritance of land from their kinsfolks by applying corrupt practices. Corruption risks in land acquisition occur inside 3 processes, that is, Occupation along with use of land without formal registration, Sale of land and Succession as well as inheritance (SLE, 2017).

Status of Land Conflict in the Church

The church has not been exempted from these conflicts. In the Christian world, this has been frequently true for the church and the monasteries, Amazon reasons that many of the French

revolutionaries, so the Catholic Church as an accomplice of the landed aristos (Cooper, 2002). In the Muslim world, reforms of land for example that planned in Spain by Al-Hurr in 718 have relocated plenty from the Muslims to Christians, who are chargeable by considerable advanced rates (Cooper, 2002). In history, European churches having their massive land awards frequently become big nobles with numerous vassals, and churches repeatedly took part in nonspiritual issues. Alternatively, king, and empire who could not accomplish their individual nonspiritual vassals frequently reorganized to controlling and taxing churches as well as monasteries, resulting to conflict between the church and the estate (Cooper, 2002). French king and Roman Empire's conflicts will the papacy and affects the Roman church politics. Challenges facing the church would ultimately result in rational movements thought-provoking all recognized values as well as practices starting from the late fourteenth century (Cooper, 2002). Churches exasperated to inspired the Europeans lives by involving in the people's daily lives when Christianity was legitimacy in the Roman Empire. This participation was additionally echoed in the management of huge tracts of land. Church leaders regularly in authentic fact developed to be vassals to medieval Lords home themselves as well possessed numerous vassals.

Concerning the Israel-Palestinian conflict, the church council of the Evangelical Lutheran church in America called for prayers concerning the conflict with the concern and anguish. Their fight has been over land. Both Muslim and Christian Palestinians recognize the land as holy. Land is vital economic assets and a basic dignity, identity along with social inclusion. It forms a massive political resource of defining supremacy associations between and among families, communities and individuals protected land tenure donates in guaranteeing the consciousness of fundamental human rights, principally the right to acceptable living standard including access to food, housing and water. However, the land rights of susceptible individuals as well as groups are not shielded and are subject to discrimination and partiality. Underprivileged as well as helpless people miss the power, representation and voice in the society which lowers the chances to access, utilize and possess land as well as land-based resources. The church has not been exceptional. It has been caught up in the web of land conflict. Many religious groups operate by grace, not having land of their own where development projects and expansion of the church can take place.

Just like the vulnerable groups in Kenya, most churches do not secure access to land together with land-based resources. Therefore, the government needs to set methods for redistribution of land and resettlement, protect the vulnerable groups land rights and unfair as well as prohibited expropriation, facilitate the involvement in making of decision overland and land-based resources and develop mechanism for identifying, accessing and monitoring the weak groups.

The church is expected to own land and show the way in utilizing this property effectively. In Genesis 1:10, God is the owner of land before He gave it to Adam as an inheritance. He termed the dry ground "land" and the collected water He termed "seas". God transferred land as a gift to Adam by word of mouth. He did it at will, with no exchange of money or a written agreement or commitment. Land is available treasure to every individual and institution. It has a value attached to it. Even when giving God a gift, it should be valuable, 2 Samuel 24:24, David affirms that he cannot give to God that which costs him nothing. Majority of the churches therefore shy off from legal land ownership due to the rampant land conflicts countrywide, ignorance on the proper process of acquiring land and how to resolve this conflict in case they emerge. Little is documented on land conflicts among churches and religious groups. The researcher therefore sought to investigate these issues and establish how they affect faith-based organization development and expansion.

METHODOLOGY

A descriptive survey research design was adopted for the study where the target population was 350 consisting 150 pastors and 200 church members. The sample size was 215 respondents that included 15 pastors and 200 church members selected through purposive sampling and simple random sampling. Secondary data was collected through literature search while primary data were gathered with use of interview guide, questionnaires, key informant interviews, check list, focus group discussions and observation. The data was analyzed using descriptive statistics after which it was presented in charts, tables, text and photographs. Descriptive statistics was applied in analyzing the data gathered using Statistical Package Social Science (SPSS) version 20.

RESULTS AND DISCUSSIONS

Age of the respondents

The study sought to establish age of the respondents to do so they subjects were asked to state their age. Results are presented in Table 1.

Table 1: Age of respondents

Age bracket	Frequency	Percent
21 - 30	16	7.4
31 - 40	40	18.6
41 - 50	75	34.9
Over 50	84	39.1
Total	215	100.0

The question on age showed that pastors (39.1%) were aged over 50 years while pastors (34.9%) were 41-50 years and other pastors (18.6%) were between 31-40 years. Those who were 21 -30 years were 7.4%. No pastor among the respondents was below 20 years of age. The same information is displayed on a bar graph to give it a pictorial outlook thus:

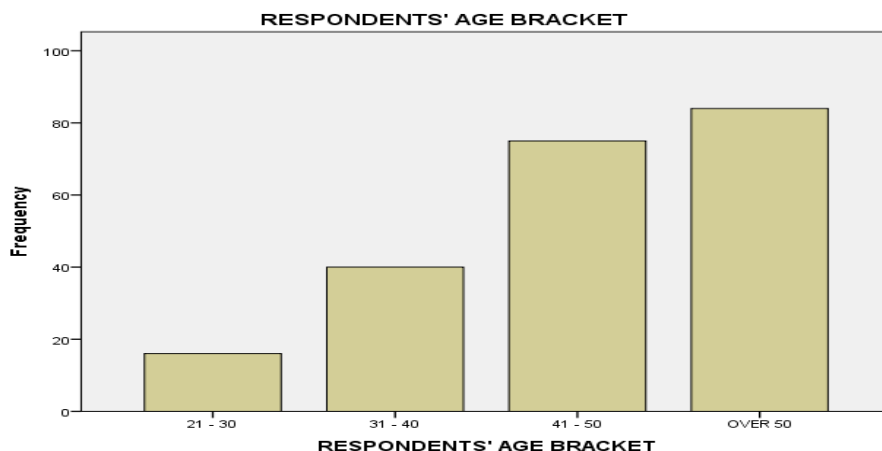


Figure 1: Bar graph showing Age brackets of respondents

It is clear from both table 1 and Figure 1 that majority of the respondents were over 50 years of age. The aim of assessing this variable was to establish whether age determined the legal

ownership of the land by the church. It was established that age had no bearing on the church's legal ownership of land.

Level of education

The study also captured the education level of the respondents; the results were as presented in Table 2 thus:

Table 2: Respondents' level of education

Level of education	Frequency	Percent
No Formal Education	25	11.6
Primary	71	33.0
Secondary	81	37.7
Tertiary	38	17.7
Total	215	100.0

It can be seen from Table 2 that most 25 (11.6%) of the respondents had no formal education while 71 (33.0%) only reached primary school. The table further shows that 81 (37.7%) of the respondents reached secondary school level of education while 38 (17.7%) reached tertiary level of education i.e. college, university, polytechnic or technical training institutes. The same data were presented in a pie chart to give it a pictorial outlook thus:

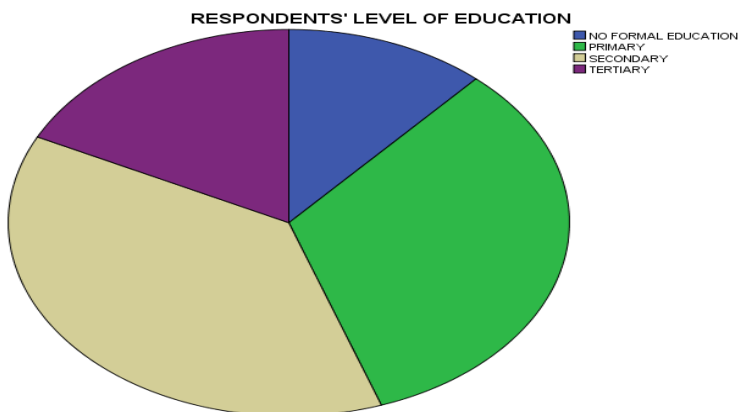


Figure 2: Pie chart showing respondents' level of education

It is apparent from both Figure 2 and Table 2 that majority of respondents only reached primary school as their highest level of education.

Prevalence of land-related conflicts among churches

The study sought to establish prevalence of conflicts among various denominations; the results are presented in Table 3 thus:

Table 3: Prevalence of land conflicts among churches

Denomination	Frequency	Percent
Catholic	15	7.0
Protestant	41	19.1
Pentecostal	24	11.2
African Indigenous	135	62.8
Total	215	100.0

Table 3 indicates that most African indigenous churches experienced the highest number of land-related conflicts, at 62.8% (135), while catholic churches experienced the smallest number of land-related conflicts, at 7% (15). The same data were presented on a bar graph to give then a pictorial outlook thus:

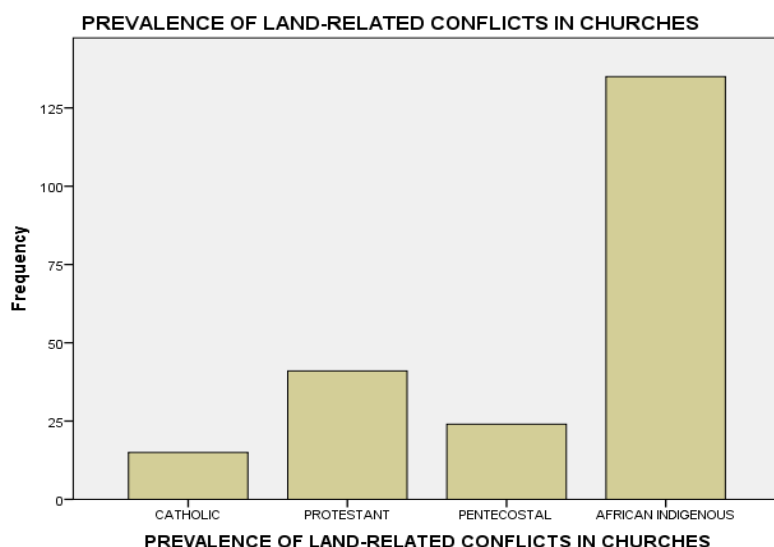


Figure 3: Bar graph showing prevalence of land conflicts among churches

It can be concluded from table 3 and figure 3 that majority of land-related conflicts are experienced in African indigenous churches within Vihiga County. One of the reasons attributable to this scenario most of these churches receive donations from missionaries abroad, and the congregants therefore jostle for this money, which eventually results in conflicts. Another cause for conflicts in these churches is scramble for leadership positions therein, for purposes of controlling finances, some for personal gain.

The objective of this study was to determine the association between educational level and prevalence of land-related conflicts among congregants in churches within Vihiga County. The study's null hypothesis was formulated from this study thus:

Ho: There is no association between Level of education and prevalence of land-related conflicts among congregants in churches within Vihiga County.

This hypothesis was tested inferentially at 95% confidence level, using Pearson's Correlation, and the results were as presented in table 4 thus:

Table 4: Correlation between education level and participation in land-related conflicts

Variable	Level of education	Participation in Land-related violence
Level of Education	-	-0.724*
Participation in Land-Related Violence	-0.724*	-

*P = 0.001, $\alpha = 0.05$

The Table reveals that a strong negative association was established between level of education and prevalence of land-related conflicts among congregants in churches within the research area [$r = -.724$, $p = .001$ at $\alpha = .05$]. This implies that the less educated the people are, the more they engage in land-related conflicts and vice versa. For the reason that the p -value connected with the correlation coefficient obtained was lower than 0.05, the postulated alpha, it implies that the correlation between educational level and participation in conflicts was statistically significant. Therefore, the null hypothesis of this research was rejected. Hence, it can be consecutively declared that a statistically significant association occurs between education level and prevalence of land-related conflicts among congregants in churches within Vihiga County.

CONCLUSION AND RECOMMENDATION

It was found out in this study that level of education has a significant influence on the prevalence of land-related conflicts among congregants in churches within Vihiga County. This means that educated people engage less in such conflicts while those that have little or no education engage more in conflicts related to land. It is therefore important that stakeholders and relevant state agencies formulate policies that will ensure the population in Vihiga County is well educated, so as to prevalent land-related violence cases, which threaten peaceful coexistence among communities therein, like it happened in the years 2007/2008.

The study therefore recommends that the government of Kenya should strategize and conduct campaigns that assist in raising awareness of community affiliates on their land rights, focusing on those land supremacy processes as well as corruption dangers with the utmost severe effects. Partnerships should also be formed with government officers to make sure that community members are updated on any advertisements, variations of laws, or vital proceedings along with projects happening in the zone with respect to land.

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