

The Politics of Dam-Induced Displacement and Resettlement in Mwache Dam, Kenya

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Abstract

There are various political dynamics of dam-induced displacement and resettlement in Kenya, based on the case of the Mwache Dam Project. Mwache Dam is a unique case since it displaced the indigenous people from coastal Kenya, and the project is among the projects that are part of Kenya's Vision 2030. The construction of the Mwache Dam displaced many households, and according to the constitution of Kenya, the displaced households must be compensated for land, assets, and properties lost. The entire displacement and resettlement process brought about many grievances, ranging from under-compensation and delays to land loss, social ties, and justice. They established that the politics of dam-induced displacement and resettlement in Mwache Dam cannot be adequately understood from the ruling class view or humanitarian view only, but there is a need to understand the impacts of colonial and post-colonial periods on land reforms, financing, and governance in Kenya, which have marginalized coastal region communities for a long period. The study shows how political powers influence compensation frameworks and how this affects displaced communities. Further, it shows how the resettlement planning implementation process has a lot of

loopholes, which lead to major delays and injustices. All these led to legal battles, but in the end, the displaced communities suffered a lot and were left vulnerable. From these scenarios, this conceptualizes displacement and resettlement not as a linear policy response, but as something oriented in the political sphere. This study contributes to justice in terms of compensation, transparency in the entire displacement and resettlement process, and actual public participation. It emphasizes resettlement policies to be effective so that there is a win-win situation between the state and displaced communities.

Keywords: Dam-induced displacement, resettlement politics, land tenure, justice, governance, compensation, Mwache, Kenya

1. Introduction

Globally, large infrastructures promote socio-economic development and improve the livelihood of people by giving them a quality of life and general well-being (Saleem et al., 2023). There is a need to construct various infrastructures such as national game parks, airports, harbors, dams, industries, roads, and large learning institutions (Mandishekwa & Mutenheri, 2020; Oware Twerefoo, 2021). These large projects displace many people so that they can give way for constructing of these projects. According to Kumar & Chikkala (2021), every year, about 10 million people throughout the world are displaced, which adds up to 200 million people over the last 20 years. Displacement from large infrastructures brought about various impacts, both positive and negative, but in most cases, projects have a lot of negative impacts on their lives (Aboda et al., 2021). Further, these various infrastructures bring about the loss of social-economic, cultural, and psychological (Robinson, 2003; Saleem et al., 2023).

The construction of large dams is now very essential since dams promote the availability of enough water for irrigation and domestic use, hydropower energy production, and flood control (Fan et al., 2022; Moran et al., 2018). The process of dams brought about various impacts, which range from social, economic, political, cultural, and environmental impacts (Afzal et al., 2022; Doria, 2021). Further construction of dams led to an increase in poverty, food insecurity, and loss of common properties of the displaced people (Wilmsen, 2011; Wilmsen & van Hulst, 2017; Wilmsen & Webber, 2015). Dam construction has led the displaced households to live in worst status compared to before they were displaced, and this will be their fate for a long period (Downing et al., 2021; Owusu et al., 2024; Ty et al., 2023).

Displacement leads to two losses that are quantified and conversely, i.e., there is economic value or tangible which include loss of land and properties, houses, jobs, and access to resources, and livelihood; also, there are conversely or non-economic losses such as loss of social ties and networks, cultural loss, and psychological loss (Cernea, 2021; Cernea & Maldonado, 2018). Further, due to displacement, there is a lot of impoverishment through landlessness, joblessness, homelessness, marginalization, food insecurity, loss of access to common property resources, increased morbidity and mortality, and community disarticulation (Cernea, 2008; Cernea & Maldonado, 2018; van der Ploeg & Vanclay, 2017). The displacement due to dam construction led to loss of land for farming, land for grazing, loss of their social infrastructures, forest water supplies, and other resources (Kirui Agnes

Cheptoo, 2022; Owusu et al., 2024). And in most cases, even if there is resettlement done, the resettlement does not replace what was lost due to displacement (Olive-Smith, 2023). There are a lot of uncertainties, so when the displaced community does not have trust in their own government (Elizabeth Ferris & Erica Bower, 2023). Even if they try to help, there is not that long-term follow-up as is required after resettlement.

The Mwache Multipurpose Dam Project is located along the Mwache River in Kinango Sub-County, within Kenya's coastline region (Government of Kenya & World Bank, 2019). The dam lies inside the drainage system of the Mwache and Mnyenzi rivers and their tributaries. The dam project will provide 80% of Mombasa City's water supply upon completion. For its various uses, and 20% of the water is allocated for the intended 100Ha experimental irrigation initiative in Kwale County (Government of Kenya & World Bank, 2019). Mwache Dam was deliberately chosen because of its significance in Kenya's Vision 2030 initiative, which involves the construction of numerous dams, of which Mwache Dam is one. Kwale County comprises three administrative sub-counties: Matuga, Kinango, and Msambweni (Kwale County Government 2023). The project site is in Kinango Sub-County and the Kasemeni division. The population of the Kasemeni division is predominantly rural, and the area's main economic activity is subsistence farming. According to the 2019 population census (Republic of Kenya, 2019). Kasemeni Division had a population of 78,859, comprising 12,902 households. Kasemeni division is an administrative unit within Kinango Sub-County, and the proposed dam project falls within the areas of Mazeras, Chigato, and Mnyenzi sub-location. The Mwache dam displaced 2,452 households and 7,541 people (Government of Kenya & World Bank, 2019).

2. Crown Land Ordinances and Land Marginalization in Coastal Kenya

In Kenya, land is the most important factor of production and is core to various economic activities in the country. During the pre-colonial period, there were not any form of regulations for access to land in all communities in Kenya. During the colonial period, there was so much regulation that alienated Kenya's land and was given to white settler farmers all over the country (Wanjohi & Kiboi, 2022). The first land regulation, which allowed Europeans the right to own land, was passed in 1897. This was called the Land Regulation Act of 1897, which allowed the government to issue certificate of occupation and a lease of land for 99 years (Okoth-Ogendo, 1991). After this, the British colonist initiated the purposeful actions intended according to law to purchase lands from Africans, and this granted the British commissioner of the protectorate the power to acquire all land in a manner that was felt to be good (Chebii et al., 2023).

The creation of and transforming Kenya into a colonial state and colonial administration began in 1895, and by the year 1900, Kenya was declared a protectorate, and Sir Charles Elliot was appointed as the commissioner of the East Africa protectorate (Caleb Kemboi Cherop, 2023; Okoth-Ogendo, 1991). From 1895 to 1919, Kenya was a protectorate of the British Government, but from 23 July 1920, it became a Crown Colony of the British Government (Chepkochei et al., 2024). The introduction of colonialism in Kenya brought many changes in the concept of land ownership, which was a community-owned concept, and

during the process which colonial state introduced personal claim to land through ownership and use (Chebii et al., 2023). This led to communities losing their right to control their community land and the previous uses of their land.

The colonialists used the alienation method to control land in Kenya so that they made it a flourishing European colony (Mwikali & Tanui, 2021). By so doing, there was a need to enact land policies by the colonial government, hence the establishment of Crown Ordinances in Kenya (Caleb Kemboi Cherop, 2023). In the year 1901, the East African Land Ordinance-in-Council conferred upon the Commissioner of the Protectorate the power to dispose of all public areas as he wished and to offer the control of all public lands within the East African Protectorate under the control of His Majesty (Nyanhoga, 2023). These policies affected the indigenous communities so much since they disrupted, marginalized, and disregarded their ecological and cultural setup and their traditional way of life (Caleb Kemboi Cherop, 2023). The marginalization and alienation in the coastal area started in 1908 when the title ordinance was passed, which required all people with a land claim to present it to the land registration court (Wanjohi & Kiboi, 2022). But all unclaimed land was declared crown land. The Crown Land Ordinances included Crown Land Ordinances of 1902; Crown Land Ordinances of 1915; Native Lands Trust Ordinance of 1928; Crown Land Ordinances of 1960, and Land Planning Act of 1961 (Chepkochei et al., 2024). The implementation of these regulations gave rights to colonial (white people) to have productive agricultural land, and unproductive land was left to the Kenyans.

2.1 The Crown Land Ordinances of 1902

The Crown Land Ordinances of 1902 were enacted shortly after the formal establishment of the East Africa Protectorate in 1895 (Michael S. Coray, 1978; Morgan, 1963). The Crown Land Ordinances of 1902 were one of the earliest and most consequential pieces of colonial legislation governing land in British East Africa and the foundations of colonial land control in Kenya (Simon Coldham, 1979; Wanjohi & Kiboi, 2022). It laid the legal groundwork for the systematic appropriation, reclassification, and reallocation of land, particularly at the expense of African and coastal communities (DAVID M. ANDERSON, 2005; Okoth-Ogendo, 1991). The Crown Land Ordinances of 1902 declared that all land now lawfully granted, leased, or otherwise alienated by the Crown would be deemed “Crown Land.” This included unoccupied land, land occupied by Africans without a formal title recognized by the colonial state, forest, rivers, and other natural resources (Okoth-Ogendo, 1991).

The Crown Land Ordinances of 1902 vested absolutely in the British Crown, meaning the colonial government assumed full ownership and control. Further, the Crown Land Ordinances of 1902 empowered the British Commissioner, and they ignored traditional community rights and gave the commissioner the authority to sell freeholds in crown land up to 1000 acres or grant leases for 99 years (Chepkochei et al., 2024a). The governor was empowered to lease, sell, or otherwise dispose of Crown Land for up to 99 years, primarily to European settlers, missionaries, companies, or infrastructure projects (Okoth-Ogendo, 1991). The local communities lost any customary or traditional rights unless they could prove a formal title deed under British legal standards—a near-impossible task for most of them

(Okoth-Ogendo, 1991).

The Crown Land Ordinances of 1902 made provision for recognizing customary land rights. Oral histories and communal stewardship were disregarded unless formally registered under colonial procedures (Okoth-Ogendo, 1991). The Crown Land Ordinances of 1902 provided that empty land or any land vacated by a native could be sold or rented to Europeans (Nyanchoga, 2023). This gave the Europeans the right to settle in high-potential white highlands for agriculture and to displace the local communities. The white Highlands policy was established purely by designating productive agricultural land for the white settlers (Kanogo, 1989). The Crown Land Ordinances of 1902 also laid down that no native land had any right of land ownership and dismissed African land tenure as non-existent (Okoth-Ogendo, 1991). The Crown Land Ordinances of 1902 indicated that African claims to land were only recognized if they occupied it and if the land was in use; whatever was not being cultivated or occupied was vacant land (Chepkochei et al., 2024).

The Crown Land Ordinances of 1902 was tool of colonial dispossession since it erased indigenous land governance systems, created structural inequalities in land access, and laid the foundation for postcolonial land conflicts. After independence in 1963, Kenya inherited this framework through the Government Lands Act (1962), perpetuating centralized control and marginalizing communities, especially at the coast, which never received formal titles (Okoth-Ogendo, 1991). In coastal Kenya, the Crown Land Ordinances of 1902 were not merely a technical land law; it was a political instrument of empire that refined territory, erased local sovereignty, and entrenched racial and economic hierarchies. In coastal Kenya, its legacy continues to fuel grievances over land rights, identity, and justice issues that remain central to national debates on land reforms and historical redress (Okoth-Ogendo, 1991).

2.2 The Crown Land Ordinances of 1915

The Crown Land Ordinances of 1915 were an amendment to the Crown Land Ordinances of 1902 and a very pivotal revision that significantly expanded the state's power over land and entrenched racialized land allocation. Enacted during World War I - a period when colonial authorities were keen to reward loyal settlers and secure agricultural output - the 1915 ordinance refined and intensified the mechanisms of land alienation established in 1902 (Okoth-Ogendo, 1991). The Crown Land Ordinances of 1915 facilitated the expropriation of the Africans of their land; it declared all lands as Crown land, including land occupied and reserved for Africans (Nyanchoga, 2023). The amendment was introduced to address some deficiencies witnessed in the Crown Lands Ordinances of 1902, the introduction of new land tenure rights to cover land occupied by Kenyans (Chepkochei et al., 2024a). The amendment created the trust lands and the Native Lands Trust Board. The communities were allowed to practice their ingenious activities on the trust lands. The Native Lands Trust Board offered colonial oversight and control of the trust lands (Nyanchoga, 2023).

It empowered the governor to reserve Crown Land, which he designed necessarily for the colony (Wanjohi & Kiboi, 2022), and this rendered the native tenants at the will of the crown (Gathogo, 2020). Further, it reaffirmed that all unalienated land belongs to the crown. The most notable change was the authorization of leases for up to 99 years - effectively granting

permanent ownership to lessees, almost all of whom were European settlers. This transformed temporary occupancy into de facto private property, locking African communities out of vast areas of fertile land (Okoth-Ogendo, 1991). Customary occupation by Africans or coastal communities without a formal title continued to be ignored or invalidated (Boone, 2014; Okoth-Ogendo, 1991). The Africans were explicitly barred from acquiring freehold or long-term leasehold interests in Crown Land. They were instead confined to “Native Reserves”- often marginal lands unsuitable for commercial agriculture-under communal tenure with no legal security (Boone, 2014; Okoth-Ogendo, 1991). Finally, in coastal regions, where land had been held under Swahili, Arab, or Islamic systems, the ordinance provided no pathway to recognition unless titles were registered under colonial law, a process never undertaken or denied (Boone, 2014; Okoth-Ogendo, 1991).

2.3 The Native Lands Trust Ordinances of 1928

By the late 1920s, colonial Kenya was deeply divided along racial lines in terms of land access (Wanjohi & Kiboi, 2022). The Crown Lands Ordinances of 1902 and 1915 had facilitated massive alienation of land for European settlers, especially in the fertile “White Highlands”- while African communities were increasingly confined to designated reserves (Boone et al., 2021). Mounting resistance from African communities, critiques from missionaries, and international pressure prompted the British colonial administration to introduce reforms that appeared to protect African land rights (Okoth-Ogendo, 1991).

The Native Lands Trust Ordinances of 1928 were enacted in this context to clarify and ratify the management and administration of native reserve or trust lands (Okoth-Ogendo, 1991). It aimed to formalize the status of African reserves and place them under a supposedly protective legal framework- but in practice, it further entrenched segregation, centralized state control, and limited African agency over land. The ordinance introduced a legal framework for managing native reserves or trust lands within the confines of colonial rule (Chepkochei et al., 2024). The Ordinance was established to ensure the native lands were managed and protected to meet the interests of the local people. The Native Lands Trust Ordinance of 1928 created the Trust Board to enhance the management of native lands (Chepkochei et al., 2024).

The Trust Board was responsible for performing critical roles regarding native lands, such as administration roles, land roles, land use, allocation, and development activities (Klopp & Lumumba, 2017). Secondly, the Trust Board was responsible for protecting the customary land rights of indigenous communities from external threats. Further, the board oversaw leases, permits, and other land use agreements (Chepkochei et al., 2024). Finally, the board collected rents and fees from land users. Notably, the board was tasked to resolve disputes among native land uses, such as boundaries and ownership. Since the implementation of the Ordinances focused on agricultural land, the pastoralists were marginalized, thus increasing poverty and conflicts. The Act enabled the eviction of indigenous communists from their lands and opened opportunities for British settlers to develop commercial agriculture and settlements (Chepkochei et al., 2024).

Africans were denied individual or communal ownership. Instead, the colonial state became

the legal custodian, with full authority to allocate, manage, and even reallocate land within trust areas-often without community consent (David M. Anderson, 2005). Africans could not sell, mortgage, or lease trust land to non-Africans, even intra –community transactions required administrative approval, customary tenure was tolerated but not legally recognized as property, leaving users vulnerable to eviction or allocation (Michael S. Coray, 1978). Because Trust Land could not be used as collateral, Africans were locked out of formal credit markets, hindering agricultural investment and economic mobility – while European settlers on freehold or long-lease Crown Land thrived (Coldham, 1979).

2.4 The Crown Land Ordinances of 1960 and The Land Planning Act of 196

Kenya passed the Crown Land Acts of 1960- a transitional law that paved the way for the Government Lands Act of 1962, which became the foundation of postcolonial land administration. The Crown Land Ordinances of 1960 were essential legislation defining the land under the Crown and the forest reserves. The Ordinance defines land administration, allocation transfer, and indigenous rights (Chepkochei et al., 2024). Most of the pastoralists' rights were overlooked through the allocation and transfer. Given that pastoralists relied on vast grazing lands, they were displaced and experienced limited access to essential resources such as pasture and water (Chepkochei et al., 2024). The Land Planning Act of 1961 was established to regulate the use and development of land in Kenya (Chepkochei et al., 2024). The Act contains land use and development laws in Kenya. Though the land had no specific regulations on grazing lands, it established an Authority responsible for regulating land use and development in Kenya. This could include the grasslands (Chepkochei et al., 2024).

3. Methods and Materials

3.1 Description of Study Area and Mwache Dam

The study was conducted in Kwale County, an area severely impacted by climate change, situated between four significant topographical features: the coastal plain, Nyika plateau, foot plateau, and coastal uplands (Kwale County Government, 2023). Kwale County is one of the 47 counties of Kenya, bordered to the northwest by Taita Taveta County, to the northeast by Kilifi County, to the east by Mombasa County and the Indian Ocean, and the south by the United Republic of Tanzania. The County is located in the southeastern region of Kenya. Situated between latitudes 30 °3' and 40 °45' south and longitudes 38 °31' and 39 °31' east (Kwale County Government, 2023) . The county encompasses an area of 8,270.2 km² with 62 km² designated as aquatic territory. The region omits the 200-mile coastal zone recognized for its rapid economic development along the Kenyan coast. The latest census indicates a total population of 209,560, predicted to reach 252,550 in 2019 and 268,758 by 2020, with a poverty rate of 84.5% (Republic of Kenya, 2019). Life expectancy is 51.2 years, and the fertility rate is approximately 5.7 live births per woman (Republic of Kenya, 2019).

The Mwache Multipurpose Dam Project is located along the Mwache River in Kinango Sub County, within Kenya's coastline region (Government of Kenya & World Bank, 2019) .The dam lies inside the drainage system of the Mwache and Mnyenzi rivers and their tributaries. The dam project will provide 80% of Mombasa City's water supply upon completion. For its

various uses and 20% of the water allocated for the intended 100Ha experimental irrigation initiative in Kwale County (Government of Kenya & World Bank, 2019). Mwache Dam was deliberately chosen because of its significance in Kenya's Vision 2030 initiative, which involves the construction of numerous dams, of which Mwache Dam is one. Kwale County comprises three administrative sub-counties: Matuga, Kinango, and Msambweni (Kwale County Government, 2023). The project site is located in Kinango Sub County and the Kasemeni division as shown in Figure 1. The population of the Kasemeni division is predominantly rural, and the area's main economic activity is subsistence farming. According to the 2019 population census (Republic of Kenya, 2019). Kasemeni Division had a population of 78,859, comprising 12,902 households. Kasemeni division is an administrative unit within Kinango Sub County, and the proposed dam project falls within the areas of Mazeras, Chigato, and Mnyenzi sub-location.

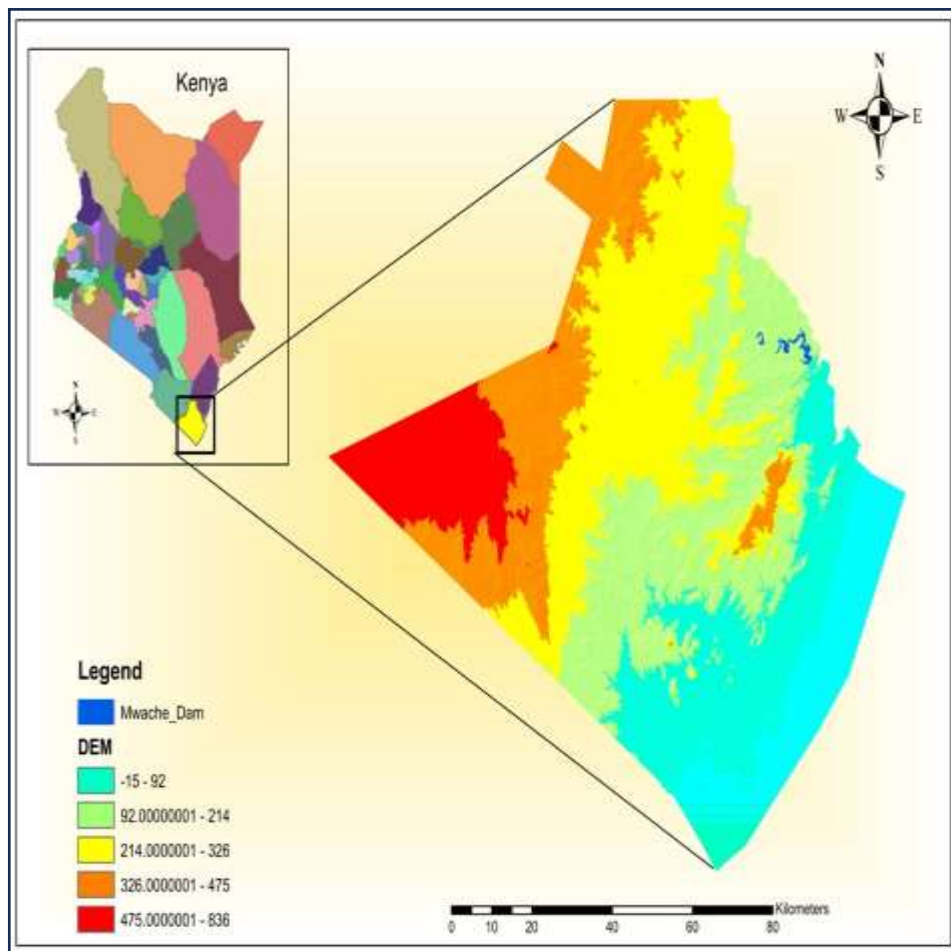


Figure 1. The Map of Study Area

3.2 Research Approach and Data Collection

The research used both secondary and primary data. The secondary data were collected from journals, books, and archival documents. The primary data were collected using a research approach and a cross-sectional descriptive research design, which helped to collect qualitative

data and information from the respondents of Kwale County on impact assessments of resettlement implementation on livelihood after dam-induced displacement and resettlement on locals; a case study of Mwache Dam in Kenya. In this study, research was guided by the qualitative research method; the qualitative study is an inquiry process of understanding a social or human problem based on building a complex, holistic picture, formed with words, reporting detailed views of informants, and conducted in a natural setting; also it aims to gather a comprehensive understanding of human behaviours and resources that govern it (Creswell & David Creswell, 2003.). Qualitative research methods were used because one could see the impacts brought about by the construction of the Mwache dam and its livelihood impacts on the displaced households. The fieldwork was conducted between June 2024 and September 2024. Before in-depth interviews, observations, key informants' interviews, and focus group discussions, the researcher conducted a reconnaissance survey technique to ensure that the researchers were familiar with the study area's topography, boundaries, and other physical characteristics that where people were displaced from and their new resettled areas. The reconnaissance survey also helped the research team meet the community leaders from the government and county to explain the study's purpose. The administrative leaders connected the researcher and the community, especially those displaced by the Mwache dam.

The target population of this study was the displaced villagers/communities' people from Mazeras, Chigato, Mnyenzi, and Mwatate sub-locations in Kinango sub-county Kwale County who completely lost all their land, trees, and other assets due to the construction of Mwache dam. The Mwache dam displaced 2,452 households and 7,541 people (Government of Kenya & World Bank, 2019), as shown in Table 1.

Table 1. The Displaced PAHs and PAPs

Target Group(Sub-location)	PAHs	PAPs
Mazeras sub-location	1125	3479
Chigato sub-location	1147	3482
Mnyenzi sub-location	140	410
Mwatate sub-location	40	170
Total	2452	7541

Source (Mwache Dam RAP, 2019)

The in-depth interview data were collected by interviewing household heads in the selected communities. The study used stratified random sampling as the primary, proportionate, purposive, and snowball sampling. The stratified sampling was used to categorize the households based on the area they were displaced from before resettlement. The snowball sampling was used to help the researcher identify those who completely lost all their land, trees, and other assets due to the construction of the Mwache dam and their newly resettled areas. The proportionate sampling enabled us to get a specific number of respondents from each

stratum depending on their population. Finally, simple random sampling was used to select respondents from the stratum for in-depth interviews. One hundred respondents were interviewed, including males and females, aged between 20 to 70 years old. Table 2 shows the distribution of respondents for in-depth interviews from each sub-location, and they were as follows: 47 from the Chigato sub-location, 45 from the Mazeras sub-location, 6 from the Mnyenzi sub-location, and 2 from the Mwatate sub-location.

Table 2. Distribution of Respondents

Target Group(Sub-location)	PAHs	Sample Size
Mazeras sub-location	1125	45
Chigato sub-location	1147	47
Mnyenzi sub-location	140	6
Mwatate sub-location	40	2
Total	2452	100

Source: Field In-Depth Interview (2023)

The other qualitative data were collected using observation, key informants, and focus group discussion. Key informants were drawn from displaced team leaders, local leaders, government leaders, county leaders, and the resettlement implementation team. Further, ten focus group discussions were held: 3 from the Chigato sub-location, three from the Mazeras sub-location, two from the Mnyenzi sub-location, and two from the Mwatate sub-location. The focus group discussions explored the issues discussed in key informant interviews and what was observed during observation. The focus discussion groups were composed of between 12 to 15 people. For in-depth interviews of 100 project-affected households interviewed from the resettled areas, the majority (78%) were male-headed households, which is the case of Duruma people and in Kenya at large, where most of the cultural communities are patriarchal by nature. For 22% of female-headed households, they were either widowed, separated, or divorced. Details in Table 3 show that the majority (82%) of project-affected households were above 31 years. The literacy levels in Kwale County have been recording an increasing trend over the last few years due to the introduction of free primary education for all and adult classes in the County (Kwale County Government, 2023) ; this was established from in-depth interviews where the majority (68%) of households' heads had attained above secondary level. In matters of religion, the project affected household heads were religious, with Muslims making up 62%.

Table 3. Socio-demographic Characteristics of Field In-Depth Interview of Respondents

Variables	Measure	Percentage
Gender	Male	78
	Female	22
Age	21-30	18
	31-40	30
	41-50	22
	51-60	16
	Above 60	14
	Education Level	University
	College	12
	Technical	16
	Secondary	32
	Primary	26
	Others	6
Religious Affiliation	Protestant	18
	Catholic	20
	Muslims	62

Source: Field In-Depth Interview (2023)

Note: N=100

For the data analysis, qualitative data were transcribed and analysed using thematic analysis based on the study's objectives. We applied content analysis to examine the interview transcripts. Each interview transcript was examined through hand coding. First, all sections of the transcript were scanned through to have a fair idea of its content. Then, we read each transcript carefully and coded relevant sentences. Following this, the connections between the code sections were grouped into appropriate themes. To enhance the accuracy and validity of the results, the process was repeated until the results became stable.

4. Findings

4.1 *The Historical Roots of Marginalization in Coastal Kenya*

The study established that in the coastal region, which was formally leased from the Sultan of Zanzibar during the Crown Lands Ordinance of 1915, vast tracts of land were declared “public” and reallocated to European settlers, Arab elites, or designated as forest or game reserve. These lands were considered valuable since they had their title deeds for long. They have been doing various farming activities on these lands. About or over 70% of arable lands in Kwale were reallocated to Arab landowners, and this disadvantages the Duruma people, who had no title deeds, and their customary landholding was disregarded, and many became squatters on their ancestral lands. The study indicated that those who were squatters didn't had title deeds and they lacked bargaining power on their lands. Further, it ignored customary land use patterns of shifting cultivation, communal grazing lands, and sacred

forests; there was coastal vulnerability that has been rooted in land injustice for a long time.

During the Crown Lands Ordinance, the coastal region was treated as a marginal zone—economically peripheral and politically expendable compared to the white fertile highlands, where large-scale settler agriculture justified land consolidation. Post-dependency, the problem was not solved at all, but even the situation worsened since the land value in coastal regions still is low. This made land in the entire coastal region, apart from major towns, have less value compared to other parts of Kenya. The study found that, during the entire process of displacement and resettlement, the main key points were ignored, more so to address the value of land in the initial stages, and it was the role of the political elites from the area who represent the interests of their people to address the national government, but they failed to do so. The community asked the political leaders to negotiate with the government for double the compensation packages, but it was in vain. One Man (a high school teacher) indicated:

“Sometimes we feel we were born in the wrong community and are cursed. Now, in Kenya, land value has been improved so much, but for us here in Miyani and the entire Kinango Sub-County, it’s undervalued. The only places land has value are Kwale town and the Kuna area. We had various meetings to discuss how the value of our land should be handled, and since we were ready to relocate, to be considered and to give us a good value of land per acre, since the initial price we were told was so much lower. We were promised to be given a good price, but during compensation, they even left out valuable trees and other sacred shrines out of compensation packages. This problem is so deeply rooted in various land injustices our communities have been experiencing even after independency”

From the findings, the post-independence land reforms failed to address the historical land injustices in coastal Kenya; instead, they favored a few rich families and mostly those from Arabic and Asian origins. The colonial land policies systematically dispossessed coastal communities of their ancestral lands, often reclassifying them as “public” or “Crown” land—a legacy that persisted post-independence through a discriminatory land tenure system. The post-colonial governments failed to implement meaningful land reforms that would restore or secure land rights for indigenous coastal groups, leaving them particularly vulnerable when large infrastructure projects like the Mwache dam were initiated. This historical exclusion created a context in which displaced communities lacked both legal documentation of land ownership and political leverage to negotiate fair terms. Was established that during the displacement and resettlement process, many households that were to be displaced didn’t have title deeds, which made it more complicated for the entire process. Lacking crucial documents like title deeds lowered their bargaining power since they were at the mercy of the National Land Commission to enable them to have title deeds so that they could be compensated. There were many households, more so in Mavumbo ranch, which had one title deed, and there were squatters who were living in Methodist church land and had a serious conflict about the ownership of the land. One Man indicated:

“My brother was in total darkness, was staying in Mavumbo ranch, and we didn’t have title deeds like the rest of the other households. The same case happened to my two brothers, who were staying in disputed land which was for the Methodist church, and they too didn’t have

their title deeds. We were living in fear since we were to produce title deeds, so as to be compensated. The National Land Commission oversaw processing for us, but the process took a long time to get title deeds. When we were compensated, people had already acquired available lands around us, and we were forced to buy small land which was overrated in price”.

The displacement caused by Mwache was intersected with deep-seated historical injustice. The injustices in the coastal region are traced to colonial land alienation in the coastal region, which created a class of landless communities and vested ownership in the state or private entities. Mwache dam project, decades later, replicated this pattern of dispossession. The finding emphasizes that independent Kenya failed to enact transformative land reforms. Further, the historical injustice played a serious role in the entire process of displacement and resettlement due to the Mwache Dam. The value of land was not the same as in the rest of Kenya; the main concern was that the political class, who represent their communities, were to fight for them and make sure that compensation was to be of more value since they had sacrificed their ancestral land to give room for the Mwache dam project, which would help the entire coast region. The compensation value was supposed to be more than three times to enable them to sustain their lives after displacement. One Man (Human Rights Activist):

“Coastal communities remained marginalized in national development agendas, making them politically vulnerable when national interest projects like Vision 2030 required their land. The origins of the Mwache dam displaced households' vulnerabilities were due to the colonial reordering of land and authority, since it displaced indigenous coastal populations. Land tenure insecurities rooted in colonial history continue to render coastal communities vulnerable to state-led dispossession. The communities were alienated and politically excluded, and these led to the various vulnerabilities they were experiencing, and even compensation was poorly handled”.

4.3 Politicization of Compensation and Resettlement Frameworks

The study established that compensation was not a neutral but technical process. Political powers influenced how land and assets were valued, often employing methods that undervalued indigenous and customary holdings to minimize state project costs. This led to systematic under-compensation. While the Kenyan constitution mandates compensation, the implementation was politically filtered. In the Mwache Dam project, the legal and bureaucratic procedures were used not to ensure justice, but to delay, obscure, and reduce payouts, wearing down community resistance. The real affected the entire process of compensation for those affected households, and in the process, they were involved in the thin line between the government and the local County government. The entire process required some cases where the representative of the people aired out their problems, and since the political class was the one presenting, people were given many hopes which were not fulfilled, more so during compensation, when it was discovered they were not compensated at current market rates. Further was established that political power directly influences compensation frameworks. The findings suggest that frameworks are not objective or fair but are manipulated, leading to issues like under-compensation, which becomes a

primary source of grievance. One Man indicated that:

“The design and implementation of the resettlement plan were heavily influenced by elite political interests rather than technical or humanitarian criteria. Local and national political actors used the project to consolidate patronage networks, favoring certain individuals or groups with better compensation or relocation sites, thereby exacerbating intra-community tensions. Decision-making processes were centralized, with minimal consultation of affected communities, violating both national policy guidelines and international best practices”.

Further, another Man echoed that:

“Compensation due to the Mwache dam was much influenced by political actions. The area's political class influences more so during the evaluation of assets lost, and this manipulated and excluded many important aspects that were to enable good compensation. This made us displaced households experience hardship, more economic hardship. We were not passively accepting these injustices since we were not involved in various public participations about the actual project”.

Was established that from the resettlement action plan (RAP) and environmental social impact assessment (ESIA), regardless of having various loopholes, illustrated and agreed that there will be full replacement cost compensation for land, structures, and crops lost, livelihood restoration through cash and skill trainings, and full community engagement throughout all stages. But during compensation, this was not the case since the compensation according to the displaced household was under the current valuation of land and other lost assets and cash crops like coconuts, cashewnuts and mango trees. One Man (Engineer) indicated that:

From the resettlement action plan (RAP) and environmental social impact assessment (ESIA), there were a lot of loopholes included inadequate baseline surveys, unclear eligibility criteria, and nonexistent plans for restoring livelihoods. Meetings were likely held to inform rather than to consult or collaborate, rendering the process illegitimate in the eyes of us who know how the entire process is supposed to be. These institutional and procedural failures result in major delays, a lack of transparency, and ultimately, injustice for the displaced households. When you compare it with other parts of Kenya, the compensation was too low. When the displaced household complained, the political class assured them to cooperate, they would solve the problems, but when they were compensated, they discovered that the money they were compensated was too low compared to the rest of Kenya. One Man (Government officer) indicated that:

“The nature of my working, when I was working in Kirinyaga County was so much involved in public participation and implementation of construction of Mwache dam, and the compensation package from land lost, assets, livelihoods was much better than what we got here in Mwache dam, the value of land here was low compared to other parts of Kenya, what we wanted is to be given increment since we sacrificed our land for the project but the government didn't hear us and we end up getting little compensation”.

Finally, the study established that the political classes and those in administrative leadership

influenced the composition of compensation committees, and the displaced households were not happy since they felt they were not well represented, and this excluded other households. The entire displacement and resettlement due to Mwache Dam was purely politically engineered and shaped by historical power imbalances; institution fragmentation, and ignoring indigenous knowledge. The political class, who are people's representativeness failed so much since they didn't bring out the main issues, more so on inflation and rising land values all over the country, to make sure the compensation of Mwache dam to be to current market value. Also, the valuation excluded intangible losses: ancestral graves, sacred groves, and social capital. One Man indicated that:

"We were like orphans in our own land, the political leaders, religious leaders, and local leaders left us on our own. They even stopped briefing us on the progress on displacement and resettlement processes. They told us that our cases were well handled and we would get good money, so our job was just to cooperate and agree to the project to take place, and since we were trusting them, we would agree freely without any resistance. But in the end, we were shocked by the compensation packages we received".

4.4 Socio-Cultural and Livelihood Disruptions

Was established that in the Durama land, social-cultural aspects are very crucial and sacred; they believe in present life and life after death. They had various social networks and ties, which they really valued for ages. They treat their ancestors with a lot of respect and value their graves so much. They had various shrine points, the Kaya forest, and many shrines along the Mwache River. The displacements due to Mwache Dam it ruptured kinship networks, community governance systems, and cultural ties to ancestral land since it destroyed all those sacred shrines made displaced household relocate firm their current ancestral land to unknown places. The loss was not merely economic but existential, damaging the community's identity and social support systems. The new settlement areas were not fit compared to their former communities. There was ecologically or economically valuable land, hence they encountered a lot of challenges. This transformed independent landowners and farmers into a precarious underclass, dependent on unstable wage labor or state aid since they were having good life before displacement. One Man indicated:

"My life is very miserable since my ancestors are not happy with, we disturbed them when we exhumed their bodies from their resting places. Here in the new settlement areas, we don't have even shrines to offer sacrifices to appease them. Our things that are not moving are like a cursed generation".

Another one indicated that:

"Our shrine sites were those huge trees like Mangoes and Baob trees, which were cut down. Also, there were other sites that were along the Mwache River. All of these were destroyed, and an even worse thing was that they were not in compensation plans till we put our grievances. The shrines played great roles in our lives".

Further, it was established that displacement caused a lot of losses beyond just land and assets. Communities suffered these losses of social ties, justice, and livelihoods. Beyond materials

losses, displacement disrupted social networks, cultural ties, and traditional livelihoods-impacts that were inadequately addressed in official resettlement planning, leading to long-term socio-economic vulnerability. Displacement severed kinship ties, disrupted access to sacred sites and burial grounds, and eroded communal identity-impacts rarely captured in official resettlement impact assessment. The many displaced households lost access to coastal-based livelihoods (e.g., fishing, small-scale trade, farming, or riverine soils), and alternative livelihood support was either inadequate or never delivered. Women and youth were disproportionately affected since they often lost their rights to land, which they cultivated but did not formally own, while youth faced diminished prospects in unfamiliar resettlement areas lacking schools or employment opportunities. One woman (teacher) indicated that:

“Displacement due to the Mwache Dam made us lose our identity and continuity. We were forced to settle in unproductive, small land compared to the land we had before displacement, and this made us very vulnerable. We women and youths were the people who suffered since we didn’t even handle the compensation money. The displacement is a wound to us which won’t heal”.

5. Discussion

The marginalization of coastal communities in Kenya, especially the Duruma in Kwale, stems from colonial land alienation under the 1915 Crown Lands Ordinance, which dispossessed indigenous groups lacking title deeds and transferred land to settlers and Arab elites. This made many squatters on their ancestral lands. The study indicated that those who were squatters didn’t had title deeds and they lacked bargaining power on their lands. Historical dispossession entrenched land insecurity, undermining customary landholding systems, which were characterized by use patterns of shifting cultivation, communal grazing lands, and sacred forests, and devalued coastal land relative to other regions like the white highlands, which was large-scale settler agriculture, justified land consolidation.

Post-independence land reforms failed to implement meaningful land reforms that would restore or secure land rights for indigenous coastal groups, leaving them particularly vulnerable when large infrastructure projects like Mwache dam were initiated, and instead consolidating ownership among connected elites of Arab and Asian descent, leaving indigenous groups landless and politically vulnerable. This made the land in the entire coastal region, apart from major towns, have less value compared to other parts of Kenya. The study found that, during the entire process of displacement and resettlement, the main key points were ignored, more so to address the value of land in the initial stages, and it was the role of the political elites from the area who represent the interests of their people to address the national government, but they failed to do so.

This historical exclusion created a context in which displaced communities lacked both legal documentation of land ownership and political leverage to negotiate fair terms. It was established that during the displacement and resettlement process, many households that were to be displaced didn’t have title deeds, which made it more complicated for the entire process. Lacking crucial documents like title deeds lowered their bargaining power since they were at

the mercy of the National Land Commission. These findings resonate with (Hoogendam & Boelens, 2019), who established that affected people without land title deeds experience low valuation due to low registered prices, which is a major challenge since they usually buy land more expensive than the money they were compensated. The finding emphasizes that independent Kenya failed to enact transformative land reforms. The value of land was not the same as in the rest of Kenya; the main concern was that the political class, who represent their communities, were to fight for them and make sure that compensation was to be of more value since they had sacrificed their ancestral land to give room for the Mwache dam project, which would help the entire coast region. The compensation value was supposed to be more than three times to enable them to sustain their lives after displacement.

This study established that historical exclusion directly shaped the Mwache Dam displacement. Most affected households lacked title deeds, which delayed compensation, exclusion from initial payout phases, and minimal bargaining power. These findings agree with (Obour et al., 2016; Owusu et al., 2024), who established that in the Bui dam, the dam-affected people reported land compensation delays and housing challenges. The constitution of Kenya mandates that those displaced in any form, to give way for any kind of development, must be compensated. It was established that displaced households faced significant under-compensation, delays, and inconsistent implementation of resettlement plans. These findings resonate with (Hakimzai et al., 2023), who established that the official rules for compensation often result in low compensation that does not compensate for all lost property nor the lost livelihood of the affected people. Also agrees with (Scudder, 2020), who established that inadequate and insufficient compensation for people affected by dams has been widely reported and continues to be a major problem in displacement and resettlement.

Further, it was established that compensation packages were underpaid for their lost land, plants, livelihood, and other assets. This is because many components of compensation were based on land; the value of land in coastal areas still has not been revised to the current market value, which gives it a low price compared to the current situation. This disadvantaged the displaced households who suffered a lot since, for them, when they were acquiring land to resettle, the areas they bought land in were very expensive, which forced them to use a lot of money to acquire a small piece of land. The study established that compensation assessments were inconsistent, non-transparent, and often based on outdoor or inaccurate land valuations, leading to widespread under-compensation. This led to many households receiving cash payments far below market value. This was because the actual value of land, which was agreed upon during public participation meetings, was not honored, but they were underpaid and given a short time to relocate.

The study established that the Duruma communities, until recently, have communal landholding. Most of the displaced families were facilitated by the NLC to have title deeds to enhance the compensation process, since one must have a title deed to be compensated. Although the National Land Commission (NLC) was tasked with issuing titles to facilitate compensation, bureaucratic inefficiency, lack of technical capacity, and resistance from local elites prolonged the process, further disadvantaging displaced families. Compensation was based on outdated 2012 land values (KES 150,000/acre) instead of current rates of 2021

(KES 8000, 000-1.2 million/acre), excluded critical non-land assets like sacred sites, graves, wells, and productive trees, and delivered livelihood grants to only 12% of promised recipients.

The study established that compensation was not a neutral but technical process. Political powers influenced how land and assets were valued, often employing methods that undervalued indigenous and customary holdings to minimize state project costs. This contributed a lot to land compensation being low and undercompensated; the results made the displaced household to experience a lot of socio-economic challenges. These findings agree with (Khan et al., 2021), who established that across the world, widespread lack of compensation and under-compensation of the displaced people are the drivers of socio-economic challenges. Further, the study established that in the Mwache Dam project, the legal and bureaucratic procedures were used not to ensure justice, but to delay, obscure, and reduce payouts, wearing down community resistance. Despite constitutional guarantees of just compensation (Article 40), the process lacked transparency, consistency, and genuine public participation.

Further was established that the process was politicized: elites influenced valuation, manipulated eligibility, and prioritized patronage over fairness. Public participation was performed, not consultative. The displaced households were shocked when they received compensation packages that were low compared to other projects like the Standard Gauge Railway. This resonates with (Singto et al., 2022), who established that the representation, insufficient attention to multiple languages of valuation, led to low compensation for lost land and stress, and this contributed to low degrees of acceptance by affected people.

The study established that political power directly influences compensation frameworks. The findings suggest that frameworks are not objective or fair but are manipulated, leading to issues like under-compensation, which becomes a primary source of grievance. Also was established that from resettlement action plan (RAP) and environmental social impact assessment (ESIA) regardless having various loopholes, illustrated and agreed that there will be to be full replacement cost compensation for land, structures and crop lost, livelihood restoration through cash and skill trainings and fully community engagement throughout all stages so that to avoid severe impacts for the displaced households. These findings agree with studies done by Matanzima (2022, 2023; Zhang et al., 2022), who established that countries have their own new legal frameworks for resettlement safeguards that minimize adverse impacts due to displacement and resettlement.

When you compare it with other parts of Kenya, the compensation was too low. When the displaced household had complained, the political class assured them that if they solved the problems, but when they were compensated, they discovered that the money they were compensated was too low compared to the rest of Kenya. The political class, who are people's representativeness failed so much since they didn't bring out the main issues, more so on inflation and rising land values all over the country, to make sure the compensation of Mwache dam to be to current market value. Also, the valuation excluded intangible losses: ancestral graves, sacred groves, and social capital.

The study established that Displacement also caused deep social-cultural harm, destroying ancestral graves, shrines, and kinship networks-while new settlement offered poorer land and fewer opportunities. These findings agree with Vandana Asthana (2018), who established that displacement excludes the traditional users, who are the displaced households from land ownership and breaks down the social networks and cultural identity. Was established that in the Durama land, social-cultural aspects are very crucial and sacred; they believe in present life and life after death. They had various social networks and ties that they really valued for ages; all these were disrupted due to the construction of Mwache Dam, and they experienced many challenges to adjust, retain, and maintain them. These findings agree with (Bierwiazzonek & Kunst, 2021), who established that the resettling communities normally must undergo acculturation to adjust to a new culture, different beliefs, values, and attitudes.

Further, the displacements due to Mwache Dam it ruptured kinship networks, community governance systems, and cultural ties to ancestral land since it destroyed all those sacred shrines made displaced household relocate firm their current ancestral land to unknown places. These findings resonate with (Downing et al., 2021), who established that project –induced displacements and involuntary resettlement lead to mega-psycho-socio-cultural and economic transformation. Also, the study agrees with (Xiao et al., 2018), who established that resettles become marginalized due to the disruption of established social networks, cultural, and religious activities. (Bierwiazzonek & Kunst, 2021).

Further, it was established that displacement caused a lot of losses beyond just land and assets. Communities suffer loss of social ties, justice, and livelihoods. Beyond materials losses, displacement disrupted social networks, cultural ties, and traditional livelihoods-impacts that were inadequately addressed in official resettlement planning, leading to long-term socio-economic vulnerability. Displacement severed kinship ties, disrupted access to sacred sites and burial grounds, and eroded communal identity-impacts rarely captured in official resettlement impact assessment. The many displaced households lost access to coastal livelihoods (e.g., fishing, small-scale trade, farming, or riverine soils), and alternative livelihood support was either inadequate or never delivered. These findings resonate with (Xiao et al., 2018), who established that displacement and resettlement create new poverty since it results in the loss of natural resources like arable land, forest land, water supplies, and grazing lands. Women and youth were disproportionately affected since they often lost their rights to land, which they cultivated but did not formally own, while youth faced diminished prospects in unfamiliar resettlement areas lacking schools or employment opportunities.

6. Conclusion

The case of Mwache Dam is like many displacement cases, which had many issues, including more compensation and livelihood restoration. Those displaced had their life disrupted, and they came from poverty. The land tenure insecurities, which were due to colonial land injustices, made them more vulnerable after resettlement since their compensation was not in current market value. There is a need for justice, transparency, and democratic accountability. The policy of dam-induced displacement and resettlement should be in turn to bring prosperity, if the political class helps the displaced households restore their livelihood to be

restored. Mwache Dam led to dispossession. The displaced communities sacrificed everything for the benefit of the entire coastal region; they are supposed to have a high level of resilience.

Although Mwache Dam was among the mega projects promoting water security in the coastal region, it brought about a lot of land injustice, which led to low compensation, more so of the land and other physical assets. The construction of the dam led to the displacement of indigenous coastal communities- disrupting livelihoods, severing ancestral ties, and exposing long-standing structural inequalities. Finally, this study shows that displacement and resettlement are not a technical or administrative exercise but fundamentally a political phenomenon, shaped by historical legacies of colonial land alienation, post-colonial governance failures, elite capture, and the marginalization of coastal populations.

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