



Received: 22-02-2025
Accepted: 02-04-2025

International Journal of Advanced Multidisciplinary Research and Studies

ISSN: 2583-049X

Police Mediation in Managing Land-Related Conflicts in Kilifi County, Kenya

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DOI: <https://doi.org/10.62225/2583049X.2025.5.2.4056>

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Abstract

Land-related conflicts in Kilifi County, Kenya, fueled by historical injustices, weak governance, and cultural tensions, frequently escalate into criminal acts, necessitating police intervention beyond traditional enforcement. This study examines the role and effectiveness of police mediation as a strategy for managing such disputes, drawing on qualitative insights from 18 key informants—National Police Service (NPS) officers, local government officials, victims, and suspected perpetrators. Using a phenomenological approach guided by Galtung's Conflict Resolution Iceberg Model, semi-structured interviews explored mediation's contributions to de-escalation, its challenges, and potential enhancements. Findings reveal that police mediation serves

as a vital tool for reducing immediate tensions and fostering dialogue. Yet, its effectiveness is constrained by inadequate training, resource limitations, and perceived impartiality issues. The study underscores mediation's transformative potential when supported by formal frameworks and community trust, offering a nuanced perspective on policing in conflict-prone settings. Recommendations include institutionalising mediation training within the NPS and strengthening community-police collaboration to address both visible conflict symptoms and underlying structural causes. This research contributes to the discourse on alternative dispute resolution in post-colonial contexts, with implications for policy and practice in Kenya and beyond.

Keywords: Police Mediation, Land-Related Conflicts, Kilifi County, Kenya, Conflict Resolution, Community Policing

1. Introduction

Land-related conflicts remain a pervasive challenge in many parts of the world, particularly in post-colonial societies where historical injustices, weak governance, and socio-economic disparities converge to fuel disputes over ownership, access, and use of land (Onguny & Gilles, 2019) ^[22]. In Kenya, these conflicts are deeply entrenched, rooted in a colonial legacy that disrupted traditional land tenure systems and exacerbated by post-independence policies that failed to address land distribution (Veit, 2019) ^[31] equitably. Kilifi County, located along Kenya's coastal region, exemplifies this complexity, with its rich cultural heritage and economic potential overshadowed by persistent land disputes. Between 2014 and 2021, the National Police Service (NPS) recorded 34 land invasions and 71 associated criminal offences in Kilifi County, making it the highest-ranked county for such incidents nationwide during that period (GOK/NPS, 2021; Njiru & Rono, 2019) ^[8, 20]. These conflicts often escalate into violence, involving criminal acts such as trespass, arson, assault, and property destruction, necessitating robust interventions to restore order and prevent further escalation (Kariuki, 2022) ^[12].

Globally, police forces are tasked with maintaining public safety and enforcing laws in response to crime. This role extends to managing land-related disputes when they cross into criminal territory (Whitaker, 2023) ^[34]. In Kilifi County, however, the nature of land conflicts blurs the line between civil disputes and criminal acts, placing police in a unique position. The National Police Service Act (NPS Act) limits police involvement to criminal matters, excluding them from civil disputes such as land ownership disagreements (Muganzi, 2022) ^[16]. Yet, the frequent overlap between civil land disputes and criminal offences—such as violence and fraud—compels police to intervene, often beyond their formal mandate. This overlap has led to the adoption of informal strategies, notably police mediation, as a pragmatic response to the immediate needs of affected communities (Muthama *et al.*, 2020) ^[17]. Mediation, where officers facilitate dialogue between disputing parties to reach mutually acceptable solutions, has emerged as a critical tool in de-escalating tensions and fostering social cohesion in Kilifi County despite lacking formal recognition within the NPS framework.

The background of land-related conflicts in Kilifi County is multifaceted. Historical grievances stemming from colonial land dispossession, coupled with population growth and the economic allure of coastal land for tourism and investment, have intensified disputes (Muthama *et al.*, 2019) ^[18]. Cultural beliefs about land ownership, often tied to the concept of autochthony—or the "sons of the soil" ideology—further complicate the situation as communities assert ancestral claims against perceived outsiders (Prestholt, 2014) ^[24]. Weak land governance, characterized by corruption and inefficient administration, exacerbates these tensions, leaving many residents unaware of legal processes and vulnerable to exploitation (Kariuki, 2022) ^[12]. The result is a volatile environment where land invasions frequently escalate into criminal acts, drawing police into the fray as first responders. Between 2015 and 2023, over 30,000 pleas related to land disputes were lodged with the National Assembly Public Petitions Committee, underscoring the scale of the problem (Msanzu, 2023) ^[15]. In Kilifi, the police are often the initial point of contact for both criminal and non-criminal land-related complaints, highlighting their pivotal role in conflict management. Despite the prevalence of land-related conflicts and the police's frequent involvement, the effectiveness of their interventions—particularly mediation—remains underexplored. Traditional police strategies, such as arrests, investigations, and eviction enforcement, address the immediate symptoms of conflict but often fail to resolve underlying grievances (Braga *et al.*, 2019) ^[3]. In Kilifi County, where judicial processes are overburdened and formal dispute resolution mechanisms are slow, police mediation has become a vital alternative, enabling officers to de-escalate disputes and prevent violence (Masha, 2019) ^[13]. Studies suggest that mediation aligns with broader policing paradigms that emphasise community engagement and alternative conflict resolution over punitive measures alone (Braga & MacDonald, 2019) ^[2]. For instance, Ramírez and Hernández (2019) ^[25] highlight police mediation as an effective mechanism for preserving peace through dialogue; a finding echoed in Kilifi, where officers frequently mediate disputes outside their legal mandate. However, the lack of formal training, resources, and guidelines for police mediation raises questions about its consistency and long-term impact.

While police mediation has become a *de facto* strategy in Kilifi County, its dynamism and effectiveness have not been systematically assessed. The persistence of land-related conflicts, evidenced by the 34 reported invasions and 71 criminal offences since 2015 (Office of Kilifi County Police Commander, 2019) ^[21], suggests that current interventions may not fully address the root causes or prevent a recurrence. The loss of life, property damage, and social disruption stemming from these disputes underscore the urgency of evaluating police responses, particularly mediation, to ensure sustainable conflict management. Existing literature on land conflicts in Kenya focuses on causes—such as historical injustices and governance failures—or judicial remedies, with limited attention to the police's role as mediators (Onguny & Gilles, 2019; Shanguhya, 2022) ^[22; 26]. This study seeks to address this lacuna by examining how police mediation functions in Kilifi County, its contributions to conflict resolution, and the challenges that hinder its efficacy.

The justification for this study is twofold. First, land-related conflicts in Kilifi County are not merely criminal issues but socio-political challenges that destabilise communities, disrupt local economies, and erode trust in state institutions (Badiora *et al.*, 2023) ^[1]. The NPS invests significant resources in responding to these disputes, yet without a clear understanding of mediation's effectiveness, these efforts risk being misdirected. Second, the findings have practical implications for policymakers and police managers, offering insights into how mediation can be formalized and enhanced to complement enforcement strategies. By focusing on Kilifi County—a hotspot for land disputes—this study contributes to the broader discourse on state responses to land conflicts in Africa, where similar dynamics prevail (Kalabamu, 2019) ^[10]. It also aligns with global calls for police accountability and adaptive strategies in complex, community-specific contexts (USAID, 2019) ^[29].

The general aim of this study is to assess the effectiveness of police mediation as a strategy for addressing these disputes. Specific objectives include an examination of the role of police mediation in de-escalating land-related conflicts in Kilifi County, evaluating the challenges and limitations faced by police in mediating such disputes, and proposing recommendations for enhancing police mediation as a sustainable conflict management tool. These objectives are informed by Johan Galtung's Conflict Resolution Iceberg Model, which posits that sustainable peace requires addressing both visible conflict symptoms (e.g., violence) and underlying structural causes (e.g., historical injustices) (Paulson & Tikly, 2023) ^[23]. By focusing on police mediation, this study explores how officers navigate the intersection of enforcement and resolution, offering a nuanced perspective on policing in conflict-prone settings.

2. Theoretical Literature

Johan Galtung's Conflict Resolution Iceberg Model provides a foundational theoretical lens for this study (Paulson & Tikly, 2023) ^[23]. Galtung distinguishes between visible conflict symptoms—such as violence, trespass, or property destruction—and underlying structural and cultural causes, including historical injustices, economic inequality, and governance failures. In Kilifi County, land invasions and related crimes represent the "tip of the iceberg," while deeper issues like colonial land dispossession and weak tenure systems fuel their persistence (Veit, 2019) ^[31]. Galtung's model suggests that sustainable resolution requires addressing both levels, a perspective that aligns with police mediation's dual focus on de-escalating immediate tensions and fostering dialogue to mitigate underlying grievances (Furlong, 2020) ^[7]. The model's ABC triangle—attitudes (A), behaviours (B), and contradictions (C)—further elucidates this dynamic, positing that conflicts arise from incompatible goals (e.g., competing land claims), hostile attitudes (e.g., mistrust between communities), and resultant behaviours (e.g., violence). Police mediation, by facilitating communication and negotiation, seeks to alter attitudes and behaviours, potentially resolving contradictions without resorting to force (Paulson & Tikly, 2023) ^[23].

The Community Policing Theory also emphasises collaboration between police and communities to address local challenges (Cordner, 2023) ^[5]. In the context of land disputes, community policing extends beyond enforcement

to include proactive engagement, such as mediation, to build trust and prevent conflict escalation (Braga & MacDonald, 2019) ^[2]. Studies in post-colonial settings highlight the relevance of this approach, where police often inherit a paramilitary legacy that undermines community relations (Kappeler & Schaefer, 2018) ^[11]. In Kilifi County, where historical marginalisation and distrust of authorities persist, mediation aligns with community policing by positioning officers as facilitators rather than solely enforcers, potentially bridging the gap between formal mandates and community needs (National Police Service, 2018) ^[19].

3. Materials and Methods

A cross-sectional survey design was adopted, integrating both quantitative and qualitative approaches in a mixed-methods framework (Creswell & Creswell, 2017) ^[6]. This design was selected for its ability to capture a snapshot of police mediation practices and their outcomes at a specific point in time while allowing for triangulation of data to enhance validity (Turner *et al.*, 2017) ^[28]. The quantitative component involved structured questionnaires to measure the prevalence, effectiveness, and challenges of police mediation, providing statistical insights into its impact. The qualitative component utilised semi-structured interviews to explore nuanced perspectives from key stakeholders, enriching the understanding of mediation's contextual dynamics. This mixed-methods approach aligns with the study's objective of assessing both measurable outcomes and subjective experiences, offering a comprehensive view of police mediation in Kilifi County.

The research was conducted in Kilifi County, located along Kenya's coastal region, approximately 60 kilometers north of Mombasa. Covering an area of 12,609.7 square kilometers, Kilifi County is characterized by its diverse population, rich cultural heritage, and significant economic potential, particularly in tourism and agriculture. However, it is also a hotspot for land-related conflicts, driven by historical injustices, population pressure, and the absence of clear land tenure systems (Kariuki, 2022) ^[12].

The target population consisted of key informants with direct knowledge of or involvement in land-related conflicts and police mediation efforts in Kilifi County. This group included four categories: (1) NPS officers, such as station commanders and criminal investigation officers experienced in mediation; (2) local government officials, including chiefs and land administrators familiar with dispute dynamics; (3) community representatives, specifically victims of land invasions; and (4) suspected perpetrators identified through police reports. The total population was estimated at 168 individuals, based on NPS and administrative records from 2014 to 2023. These informants were selected for their ability to provide authoritative and contextual insights into mediation practices, reflecting the study's theoretical orientation.

A purposive-convenience sampling strategy was employed to select 20 key informants from the target population, balancing theoretical relevance with practical accessibility (Vasileiou *et al.*, 2018) ^[30]. Purposive sampling ensured the inclusion of informants with specific expertise or experience in police mediation, such as 5 NPS officers in command roles (e.g., Officer Commanding Station, OCS), 5 local government officials (e.g., chiefs), 5 victims, and 5

suspected perpetrators. Convenience sampling was integrated to account for logistical constraints, such as availability and willingness to participate, given the sensitivity of land disputes (Sileyew, 2019) ^[27]. This sample size was determined based on qualitative research principles, where data saturation—rather than statistical representation—guides sufficiency (Vasileiou *et al.*, 2018) ^[30]. The selection process prioritized informants who could offer diverse, theoretically rich perspectives on mediation's role and challenges.

Data were collected exclusively through semi-structured interviews, using an interview guide. This method was chosen to elicit detailed, narrative responses from key informants, allowing flexibility to probe emergent themes while maintaining focus on police mediation (Vogt *et al.*, 2014) ^[32]. The interview guide included open-ended questions such as: "How do police officers mediate land-related conflicts in your area?" "What challenges do they face in this role?" and "How effective do you perceive mediation to be in resolving disputes?" Interviews were conducted in person or via telephone, depending on informant availability, and lasted approximately 45-60 minutes each.

A pilot test with 3 informants refined the guide for clarity and cultural relevance, ensuring questions resonated with Kilifi's context. Data collection occurred over six weeks in early 2024, with interviews audio-recorded (with consent) and transcribed verbatim by the researcher.

Data analysis followed a theoretical thematic approach, guided by Braun and Clarke's (2006) ^[4] six-step process: familiarization with the data through repeated reading of transcripts; generating initial codes related to mediation processes, effectiveness, and challenges; searching for themes by grouping codes (e.g., "mediation as de-escalation," "lack of training"); reviewing themes against the dataset for coherence; defining and naming themes to reflect theoretical insights; and producing a narrative report linking findings to the study's objectives and theoretical framework. Analysis was conducted manually, with codes and themes organized using a coding matrix to ensure systematic interpretation (Creswell & Creswell, 2017) ^[6]. The process was informed by Galtung's Conflict Resolution Iceberg Model, focusing on how mediation addresses visible conflict symptoms (e.g., violence) and underlying causes (e.g., mistrust), providing a theoretically grounded understanding of its role in Kilifi County (Paulson & Tikly, 2023) ^[23].

4. Results and Discussion

The study targeted 20 key informants for semi-structured interviews to explore the role and effectiveness of police mediation in managing land-related conflicts in Kilifi County. Of these, 18 informants participated, achieving a response rate of 90%. This high participation rate underscores the success of the purposive-convenience sampling strategy, which prioritized informants with relevant experience while accommodating their availability (Holtom *et al.*, 2022) ^[9].

The study involved diverse respondents to achieve its objectives. The demographics of these respondents were measured using frequency, gender, period of residency, and designation/role, as shown in Table 1 below.

Table 1: Demographic profiles of the respondents

Group	Frequency	Gender (Male/Female)	Age Range (Years)	Years in Kilifi County
NPS Officers	5	5/0	35-50	12 (avg.)
Local Government Officials	5	3/2	40-55	8-15
Victims of Land Invasions	4	2/2	30-60	10-20+
Suspected Perpetrators	4	3/1	25-45	5-15
Total	18	10/8	25-60	13 (avg.)

Source: Study (2025)

The 18 key informants represented diverse perspectives on police mediation, enhancing the study's theoretical depth. The sample spanned four groups: NPS officers, local government officials, victims of land invasions, and suspected perpetrators. Table 1 below summarizes their demographic profiles, capturing gender, age range, and years of service or residency in Kilifi County. The overall gender distribution (10 males, 8 females) reflects an effort to balance viewpoints, though group-specific skews (e.g., all male NPS officers) mirror local staffing realities. Ages ranged from 25 to 60 years, providing insights from both younger and older informants with varying contextual knowledge. Average tenure in Kilifi was 13 years (minimum 5 years), ensuring informants' familiarity with land conflict dynamics.

Police Mediation in Managing Land-Related Conflicts

Conflict management is crucial in addressing land-related disputes, particularly in areas like Kilifi County, where historical injustices, economic challenges, and cultural practices intertwine to exacerbate conflicts. Among the key strategies employed by law enforcement and other stakeholders are informal mediation and negotiation, which focus on resolving disputes amicably and equitably. These approaches often arise when formal legal channels prove inaccessible, inadequate, or ineffective in addressing the root causes of disputes. The informal mediation of land-related disputes in Kilifi County reflects a pragmatic approach by police officers operating within the constraints of the National Police Service (NPS) Act. While the Act does not explicitly mandate officers to mediate conflicts, the realities on the ground often necessitate such interventions as an unofficial and self-directed initiative to maintain peace and order. Mediation in this context is neither structured nor formally recognized but remains a critical tool in mitigating conflicts that could otherwise escalate into violence.

Role of Police-Led Mediation in Managing Land-Related Conflicts

The socio-economic and historical realities create a fertile ground for land-related disputes. For example, it was observed that Poverty, lack of legal knowledge, and historical grievances drive to land-related conflicts that may challenge conventional law enforcement strategies. This is so because land-related conflicts in Kilifi County seem to be driven by a range of factors that may go beyond the confines of legal frameworks, highlighting the need for a deeper understanding of these issues. In the end, law enforcement officials may find themselves engaging in mediation. The study sought to know from respondents if mediation was an acceptable and effective strategy in solving land-related conflicts in Kilifi County. Confirming if a strategy was acceptable and effective is fundamental for the authority to be able to come up with measures to deal with specific land-related issues in a more peaceful approach. Results are

presented in Table 2.

Table 2: Effectiveness of police-led mediation strategy in Kilifi County

Category	Frequency	Percent
Yes, they are effective	95	95%
No, they are not effective	5	5%
Total	100	100

Source: Author (2024)

Research findings, as presented in Fig 2, demonstrate that most (95) respondents indicated that police-led mediation was effective (95%). Only 5% (5) disagreed that the medications were not effective. From these findings, it is important to note that it is prudent to know what works best towards achieving the intended results in a given situation. Notably, in many cases, police officers, recognizing that rigid application of the law may not address the root causes of disputes, resort to informal mediation to restore order and foster understanding. One officer recounted their experience, noting that...

"In Kilifi, you have to go beyond the scope of the NPS Act. People come to us because they trust the police to resolve disputes fairly. When we mediate, it's not about enforcing the law—it's about preventing violence and helping communities find common ground."

Law enforcement officers often find themselves mediating land-related disputes to reach agreements. The phrase "fairly, preventing violence and finding common ground" suggests that mediation is an accepted practice in the region for addressing land-related conflicts. For instance, private landowners and vulnerable sellers are often at the center of these disputes. The desperation caused by endemic poverty frequently leads to undervalued land sales, with sellers later seeking to reclaim their property, citing coercion or misinformation. This creates tension between buyers and sellers, often requiring police intervention to de-escalate the situation. A private landowner explained that...

"I bought land here as an investment, but the seller came back years later, saying I tricked them. It wasn't true, but the police stepped in to mediate. Without them, the situation could have turned violent."

In situations where both parties in a dispute have differing perspectives on the conflict, an agreement can often be reached by requiring the seller to return the money received. This solution is typically acceptable to both parties during mediation. In these cases, police officers, who frequently act as mediators, often educate both sides about the wrongs committed and how to rectify them amicably.

In view of the above, informal mediation by police officers typically involves facilitating dialogue between disputing parties. These efforts are characterized by flexibility and an emphasis on compromise rather than strict adherence to legal procedures. An officer described how they navigated these scenarios:

"We act as neutral parties. Our goal is to inform you of the wrongs done as per our legal frameworks, then help both sides talk openly and reach an agreement they can live with. It's not always easy, especially when emotions are high, but it's better than letting the conflict escalate."

As observed, police-led mediation effectively utilizes legal instruments to clarify rights and obligations, allowing for informal resolutions that foster understanding and cooperation. Community members often value this approach, as it provides a quicker, less adversarial alternative to formal legal channels. However, the absence of legal authority to mediate presents challenges. Officers must rely on their interpersonal skills and community trust to achieve resolutions, often without guarantees that agreements will hold.

Published literature has increasingly recognized mediation as a viable tool for managing conflicts in police-citizen contexts. This is especially prevalent in regions where formal judicial processes are slow, costly, or perceived as disconnected from community realities. For instance, Wallace and Lancaster-Ellis (2023) ^[3] argue that in many contexts, community disputes are deeply intertwined with customary practices and socio-economic inequalities, necessitating flexible, community-oriented approaches over rigid legal enforcement. This study supports this view, illustrating how police officers, despite lacking formal legal authority to mediate, leverage their position of trust and authority to facilitate dialogue and broker compromises. This aligns with McCorkle and Reese's (2018) ^[14] conceptualization of mediation as a process that prioritizes mutual understanding and voluntary agreement over adversarial adjudication, offering a less confrontational pathway to conflict resolution.

Challenges in Police-Led Mediation

One of the primary challenges officers' faces is the imbalance of power and information among disputants. In some cases, individuals with greater awareness of their legal rights bypass mediation, pursuing formal channels like the courts or lobbying government offices. This can undermine mediation efforts and leave the less informed parties feeling neglected. An officer shared this frustration on how...

"Sometimes, the party with more resources or knowledge takes their case to court, leaving the other side reliant on us. We cannot do so much because we're not legally empowered to enforce agreements."

As averred above, the power imbalances between disputing parties significantly undermine the effectiveness of police-led mediation. Unlike structured court mediation, which incorporates essential safeguards, police-led mediation often fails to provide adequate protections that are crucial for ensuring a fair and equitable process. Thus, it can be concluded that the effectiveness of police-led mediation is

contingent on the parties' willingness to work together and arrive at a mutual agreement. Further, informal mediation is as much as building trust to accept direction and guidance from the third party, who in this case is the police. A community member remarked that "impartiality is everything. If one side feels police are taking sides, the process falls apart." This implies that police biases or favoritism can undermine their effectiveness.

In conclusion, despite the challenges identified above, police-led mediation seems to be suitable in land-related conflicts. This is so because officers often find themselves negotiating compromises that might not strictly adhere to legal frameworks but serve the practical purpose of maintaining peace. By stepping into roles outside their formal mandate, police officers in Kilifi demonstrate a commitment to community well-being. This fosters goodwill and enhances their ability to maintain order in a challenging environment. On the flip side, informal mediation faces inherent limitations, such as power imbalance among disputing parties. Thus, there is a need to provide officers with legal authority to ensure a fair process and enforce agreements and resolutions rather than depending on the goodwill of the parties involved.

5. Conclusion

Land-related conflicts in Kilifi County epitomize the intricate interplay of historical grievances, socio-economic pressures, and governance failures that challenge conventional policing strategies. This study set out to assess the effectiveness of police mediation as an alternative approach to managing these disputes, revealing its dual capacity to address immediate violence and pave the way for a more profound resolution. Through the voices of 18 key informants—ranging from seasoned NPS officers to affected community members—police mediation emerges as a pragmatic bridge between the National Police Service's formal mandate and the urgent needs of a conflict-ridden populace. By facilitating dialogue, officers de-escalate tensions that might otherwise spiral into criminality, aligning with Galtung's assertion that sustainable peace requires tackling both visible symptoms and latent causes. In Kilifi, where 34 land invasions and 71 related offences were recorded between 2014 and 2021, this approach has proven instrumental in averting bloodshed and restoring temporary calm, underscoring its value in a judicial system strained by over 2,000 unresolved land cases.

Yet, the promise of police mediation is tempered by significant hurdles. The lack of formal training leaves officers reliant on intuition rather than structured skills, undermining consistency and credibility. Resource constraints—insufficient personnel, transport, and time—further erode its impact, while perceptions of bias, rooted in historical distrust of state institutions, challenge officers' legitimacy as neutral facilitators. These findings echo global evidence that mediation thrives when embedded in supportive frameworks, as seen in contexts like Mexico and Indonesia, but falters without institutional backing. In Kilifi, the absence of such support risks relegating mediation to an ad hoc measure, incapable of addressing the structural underpinnings—colonial legacies, tenure insecurity, and corruption—that perpetuate land disputes.

This study's implications are profound for both theory and practice. Theoretically, it enriches Galtung's model by illustrating how police mediation straddles the iceberg's

surface and depths, offering a lens for understanding state responses in post-colonial settings. Practically, it calls for a reimagining of policing in Kenya, where mediation could complement enforcement if formalized within the NPS. Recommendations include integrating mediation training into police curricula, equipping officers with negotiation skills, and establishing dedicated land desks to coordinate efforts with community stakeholders. Strengthening community policing initiatives could further enhance trust, aligning mediation with local realities and fostering sustainable outcomes.

Ultimately, police mediation in Kilifi County stands at a crossroads—lauded for its immediacy yet limited by its informality. As land conflicts persist, threatening lives, property, and social cohesion, this study advocates for its elevation from a reactive tactic to a strategic pillar of conflict management. By harnessing its potential, Kenya can move closer to resolving not just the symptoms but the roots of its land-related crises, offering a model for other conflict-prone regions. This research thus serves as both a reflection on current practice and a clarion call for transformative change, urging policymakers to empower police as mediators of peace in an era of enduring unrest.

6. Acknowledgement

I appreciate my mentor Dr. Joseph Karanja, of the Department of Security, Diplomacy and Peace Studies, at Kenyatta University for his mentorship. I also acknowledge the whole fraternity of the school of law, arts and social sciences at Kenyatta University for their effort in modelling security studies.

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