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THE CHANGING SYSTEM OF LAND OWNERSHIP AND ITS SOCIO-ECONOMIC EFFECTS IN LUGARI DIVISION, WESTERN PROVINCE OF KENYA, C.1880-2000

VOLUME I

By

DANSON P. LUMUMBA ESESE

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ABSTRACT

THE CHANGING SYSTEM OF LAND OWNERSHIP AND ITS SOCIO-ECONOMIC EFFECTS IN LUGARI DIVISION, WESTERN PROVINCE OF KENYA, C.1880-2000.

By:

Danson P. Lumumba Esese

The system of land ownership in Lugari Division has evolved through different historical phases. On the eve of colonialism, the clan-based system of land ownership prevailed among the sedentary Bantu Kabras sub-group. Land was acquired and owned by clans but settled and cultivated individually by families. Family lands were passed on to progeny through inheritance. The neighboring semi-pastoralist Nandi straddling across the Kipkarren River practiced a form of communal ownership and control of land. Land was acquired, owned, grazed and settled at community level.

During the colonial period, both clan lands among the Kabras and those under communal control within the Nandi polity were alienated principally for European settlement and partly for infrastructure services. African communities were relocated into the newly created North Kavirondo and Nandi Native Reserves respectively. Overcrowding, food shortages and unemployment in the Reserves enflamed further African nationalism against land alienation. Attempts by the colonial government to address the land crisis in African areas through the African Land Development program (ALDEV, 1945-55) and the Swynnerton Plan of 1955 had minimal success. Consolidation of fragmented holdings, registration of individual parcels and the modest adoption of improved land use and farming methods did not satisfy the quest for land among Africans. Continued

African demand for land contributed to the implementation of the A Million-Acre Land Settlement program. Through this program, qualifying landless and unemployed families from the overcrowded locations in the Reserves were settled on individual plots in the pioneering "Luhya" schemes in Lugari Division. Latter schemes were multi-ethnic demographically.

The individualization of land ownership through the issuance of the title deed under this program marked a major watershed in the changing system of land ownership in Lugari Division. It radically transformed hitherto landless into enterprising smallholder farmers. However, latter efforts by the state to distribute hitherto pubic land to needy people in the Division have been deeply undermined and buttressed by illegal allocation and corruption. This has engendered deep inter-ethnic mistrust between the Kalenjin communities and other ethnic groups. Land-related inter-ethnic violence and dislocation have adversely affected the security of tenure in land, partly accounting for the spiraling sub-division and sale of household. The drastic reduction of farmland and the resulting rural slums must be halted to avoid an agrarian disaster. In addition, the emasculation of the sanctity of the title deed and failure by the government to resettle victims of land clashes have to be addressed urgently within the ambit developing a robust land ownership policy in Kenya. Inter-ethnic tension, violence and dislocation of landholders do not augur well for rural peace, increased agricultural production and hence economic development in Lugari Division. Fairness and justice must prevail with regard to the protection of individuals' rights to land and the allocation of public land.

DEDICATION

I would like to dedicate this work to the memory of my late parents, Mama Rodah K. Gwayumba and Mzee Erastus G. Esese and to my late son, Kennedy. Your passing on in quick succession while I was at various crucial stages in my doctorate program was a painful loss to bear. It is unfortunate that none of you lived to see the fulfillment of this ultimate dream of my academic sojourn.

I also dedicate this work to our children, Lucy, Walter, Daryl, and Edylyne (Inga) Esese. Your constant smiles during the happy times and your unconditional love, patience, understanding and resilience during the hardest times in our family gave me the strength to hang in there and to keep focused on attaining my Ph. D degree. Each one of you was a source of great inspiration and encouragement in your own respective special ways. In many ways, I owe the success of this Ph. D program to you all. And to all those budding African historians whose future lies with the ability of surviving the adversity of today, hope is a choice, NOT an option.

ACKNOWLEDGEMENTS

It has been a tough academic journey for my doctorate degree program to reach this final stage of completion. Many people contributed to the success of this work, but due to space I will only mention a few. First, I deeply and sincerely thank my Major professor, African History teacher and Chair of my Academic Guidance Committee, Prof. David Robinson for accepting my request to take over the supervision of my Doctorate program following the abrupt passing on of my previous supervisor, Prof. Harold Marcus. It was very kind of Prof. Robinson to have accepted my request at a time when he was already overwhelmed with several doctorate students and other graduate and undergraduate teaching responsibilities. Prof. Robinson also went out of his way to extend personal financial assistance to me when I was in deep crisis in the midst of my writing. He was crucial in finding tuition funding from Michigan State University (MSU) and towards the completion of my dissertation write-up. His sharp analytical thinking and vibrant discussion during our graduate seminar classes alongside the scholarly advice have been invaluable to my program.

I would also like to thank and recognize the academic, financial and logistical support from Prof. Thomas Jayne of the Department of Agricultural Economics, MSU. Prof. Jayne was very kind to accept my request to serve on my Academic Guidance Committee. Prof. Jayne was instrumental in enabling me successfully compete for fieldwork research funds for the first phase of my data collection under the ambit of the Africa Food Security program. Prof. Jayne also accorded me office space and a computer

for my use in his Department. Prof. Jayne brought a rich academic background to my program from his diverse research in Africa under the Africa Food Security program. The vibrant discussions we held with Prof. Jayne with regard to the land question and related agricultural issues in Africa when I served as a Research Assistant in the Food Security Program helped deepen the focus of my study.

I thank Prof. James McCann of Boston University for the vibrant graduate seminar discussions and the valuable academic insight he offered after joining my Committee. In the same vein, I am very proud to have deeply benefited from Prof. Thomas Summerhill, my US History teacher. Prof. Summerhill introduced me to the rich historical study of the US through different epochs. The stimulating and often rigorous seminar discussions and presentations he initiated helped deepen and widen my understanding of the evolution of the American civil, ideological, economic and agrarian society. His presence on my Academic Committee proved very valuable especially with his insistence on paying attention to detail. Similarly, I also recognize the contribution of Prof. Richard Thomas whose seminar courses on Race in Urban America opened a new intellectual frontier in my study of US History. Prof. Thomas brought back to life the dialectics of racism and the Black experience in Urban America and the latter Civil Rights movement. I thank my US History professors for their respective academic and scholarly contribution towards widening my overall intellectual conceptualization of the US History.

I also thank Dr. Peter Limb and Dr. Joseph Lauer, the Africana Librarians at the MSU Main Library for their invaluable assistance in tracing critical materials and for their

continued support. Similarly, the Library staff at the Jomo Kenyatta Memorial Library and the Institute for Development Studies (IDS) at the University of Nairobi; those at the Kenya National Archives and the Central Bureau of Statistics in Nairobi also provided sources that seemed difficult to find. Please, accept my appreciation for your efforts and assistance.

I thank the Department of History, the College of Social Sciences and Prof. David Wiley, Director, African Studies Center at MSU for their support in enabling me get funding for the second and final fieldwork research under the Compton Africa Peace Program. This grant enabled me to travel back to Africa to complete my fieldwork/data collection. The College of Social Sciences also gave me funding to wind up my writing at a time when funds were hard to come by. Please, accept my thanks and appreciation.

Last but not least, I would like to thank my team of very dedicated fieldwork enumerators of Mwalimu J. Musia, L. Ginni, L. Khakasa, J. Anyika, M. A. Miheso, H. Mataga, N. E. Okongo, R. Muhanji, and J. Gwayumba. My Research Assistants F. E. Moraa and M. Abunga did a wonderful job in collecting crucial resources. Abunga also helped store fieldwork data in appropriate formats. I thank you all for doing a wonderful job even under very difficult circumstances and on a thin budget. I also thank P. M. Kaziga and my colleagues at Kenyatta University for providing an enabling environment for my research stay in Kenya. To you all and for those that I could not mention here, please, accept my sincere thanks and recognition of your assistance and contribution.

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Key to Symbols and Abbreviations

$	-	US Dollar
£	-	British Pound Currency symbol
AFC	-	Agricultural Finance Corporation
AI	-	Artificial Insemination (Dairy cows)
ALDEV	-	African Land Development Program (Kenya)
APIC	-	African Produce and Inspection Center (Kenya)
CBS	-	Central Bureau of Statistics (Kenya)
CDC	-	Commonwealth Development Corporation
CID	-	Criminal Investigations Department (Kenya)
CJAS	-	Canadian Journal of African Studies
CMS	-	Church Missionary Society
CNC	-	Chief Native Commissioner
CODESRIA	-	Council for the Development of Social Science Research in Africa
CUP	-	Cambridge University Press
DC	-	District Commissioner (Kenya)
DFID	-	Department for International Development (UK)
DLDO	-	District Livestock Development Officer
DYM	-	Dini Ya Msambwa (Pseudo-religious sect, Kenya)
EAA	-	East African Association (Political party, Kenya)
EAEP	-	East African Educational Publishers Ltd.
EAPH	-	East African Publishing House
EALB	-	East African Literature Bureau

EATEC	-	East African Tanning and Extract Company
Ed(s)	-	Editor(s)
FAO	-	Food and Agricultural Organization (of the United Nations)
FTC	-	Farmers' Training Center (Kenya)
GDP	-	Gross Domestic Product
GEMA	-	Gikuyu, Embu, Meru Association (Kenya)
GNP	-	Gross National Product
HDS	-	High Density Schemes
HMSO	-	Her Majesty's Stationery Office
HYV	-	High Yielding Variety (Species)
IBRD	-	International Bank For Reconstruction and Development (W/Bank)
Ibs	-	Pounds (weight, British)
IDS	-	Institute for Development Studies, University of Nairobi
IED	-	The Institute for Economic Democracy.
IIED	-	International Institute for Environment and Development (UK)
IFAD	-	International Fund for Agriculture and Development (UN, Rome)
ILRI	-	International Livestock Research Institute (Kenya)
IDRC	-	International Development Research Center (Canada)
ILCA	-	International Livestock Center for Africa (Addis Ababa, Ethiopia)
K. shs.	-	Unit of currency, Kenya shillings.
KADU	-	Kenya African Democratic Union
KAMATUSA	-	Kalenjin, Maasai, Turkana and Samburu Association (Kenya)
KANU	-	Kenya African National Union (Party, Kenya)

KAR	-	Kenya African Rifles
KARI	-	Kenya Agricultural Research Institute
KAU	-	Kenya African Union
KCA	-	Kikuyu Central Association (political party)
KCC	-	Kenya Co-operative Creameries
KFA	-	Kenya Farmers Association
KGGCU	-	Kenya Grain Growers Co-operative Union
KHRC	-	Kenya Human Rights Commission
KIM	-	Kenya Independence Movement (political party, Kenya)
KLA	-	Kenya Land Alliance
KLB	-	Kenya Literature Bureau
KLC	-	Kenya Land Commission
KNA	-	Kenya National Archives
KPCU	-	Kenya Planters Co-operative Union (Coffee)
KTDA	-	Kenya Tea Development Authority
LDS	-	Low Density Schemes
LNC	-	Local Native Council
LNF	-	Local Native Fund (Kenya)
LNT	-	Local Native Tribunal (Kenya)
LSK	-	Law Society of Kenya
MSS	-	Manuscript
MNC	-	Multi-National Corporation
NACCO	-	National Concerns Council (of Kenya)

NADAR - Native Affairs Department Annual Report (Kenya)

NARS - National Agricultural Research Station (Kenya)

NCPB - National Cereals and Produce Board (Kenya)

NCUK - Native Catholic Union of Kavirondo (Kenya)

NDEFFO - Nakuru District Ex-Freedom Fighters Organization (Kenya)

NKCA - North Kavirondo Central Association (nationalist movement)

NKTPWA - North Kavirondo Tax Payers Welfare Association.

NN - North Nyanza (Kenya).

NPCP - National Peoples' Convention Party (Kenya)

NRI - Natural Resources Institute (UK)

OI - Oral Interview.

OUP - Oxford University Press.

PC - Provincial Commissioner (Kenya)

PWD - Public Works Department (Kenya, colonial period).

SACCO - Saving(s) and Credit Co-operative society.

SIAS - Scandinavian Institute of African Studies (Uppsala).

SID - Society for International Development (Nairobi, Kenya).

SFT - Settlement Fund Trustees (Kenya).

SPO - Settlement Planning Officer (Kenya).

UN - United Nations.

UNEP - United Nations Environmental Program.

UN/ECA - United Nations Economic Commission for Africa.

USAID - United States Agency for International Development.

WB	-	World Bank
WFP	-	World Food Program
WRC	-	Western Regional Complex (A Million-Acre settlement schemes)

CHAPTER ONE

1.0 The Changing System of Land Ownership and its Socio-economic Effects in Lugari Division, Western Province of Kenya, c.1880-2000.

1.1 Introduction

The attempt to understand the changes in the system(s) of land ownership in Africa's diverse tenure arrangements presents an enigmatic challenge. The challenge becomes even more engaging when land ownership is pegged against the continent's ethnically heterogeneous societies impacted on the one hand by external disruptive forces such as colonial land alienation policies and internal societal crises encasing civil wars on the other. In addition, there are many parts of Africa where the system of land ownership still revolves heavily around the indigenous customary arrangements or allocation directives from those in leaders. The latter applies especially to Zimbabwe where President Mugabe's 'Africanization' of land ownership has engendered unparalleled agrarian disruption while in South Africa, the legacy of the apartheid Bantustan land policy has remained stubborn against reform initiatives.

On the other hand, the absence of a robust policy on land ownership in African countries[1] to steer these transitional tenure processes through individual registration, privatization and titling is a major contributor to some of the continent's intrusive inter-ethnic conflicts. This partly accounts for the reasons why studies on Africa's rapidly changing land tenure terrain are imperative. Such studies also constitute an integral component of

[1] Several scholars discuss the intricacies of developing a robust land policy in African countries. See for instance, Camilla Toulmin and Julian Quan (eds.) *Evolving Land Rights, Policy and Tenure in Africa.* (London: IIED/University of Greenwich NRI, 2000); Sarah Berry, "Debating the Land Question in Africa", *Society for Comparative Study of Society and History,* 2002 pp. 638-668.

the debates on the continent's food and agrarian crises[2] and economic performance of the agricultural sector.[3]

Altogether, the three aspects encasing land ownership policy, the agrarian crisis and the performance of the agricultural sector tend to be inextricably linked for most of Africa due to the centrality of land in the livelihoods of a majority of the population. Throughout Africa, land (and its resources such as pastures and watering points) is highly valued as a concrete asset. It is also a form of strategic capital whose utilization is the basis of livelihood and a symbol of multi-faceted values that underlie cultural, socio-economic and political structures of rural farming communities. Above all, land is the primary means for the daily livelihood of roughly 60% of Africa's population that live in rural areas and depend directly on various agricultural activities for sustenance.[4]

The centrality of land and the underlying tenure arrangements governing its access and use by different communities is not a new phenomenon in Africa's history. Throughout the pre-colonial, colonial and the first few decades of the post-colonial periods, more than

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[2] Following the devastating Sahel famine in the 1980s to date, the debate over the causes of Africa's agrarian crises has remained heated. Diverse explanations focus on historical (colonial), economic, cultural, technological, climatic and ecological factors. See for instance, Ayenew Haileselassie, "Ethiopia's Struggle over Land Reform", *World Press Review*, Vol. 51, No. 4 April 2004; Sara Berry, "The Food Crisis and Agrarian Change in Africa." The *African Studies Review*, Vol. 27, No. 2 (1984), pp. 1-55; P. T. Zeleza "The Current Agrarian Crisis in Africa: Its History and Future" in the *Journal of Eastern African Research and Development*, Vol.16, 1985, pp.151-186; Thomas J. Herlehy, *Historical Dimensions of the Food Crisis in Africa: Surviving Famines along the Kenya Coast, 1880-1980.* (Boston, Mass.: African Studies Center, Boston University, 1984).

[3] There is extensive literature on the performance of Africa's agricultural sector. However, for the purposes of our study see for instance, Hans P. Binswanger, & Robert F. Townsend, "The Growth Performance of Agriculture in Sub-Saharan Africa," in *American Journal of Agricultural Economics*, Vol. 82, No. 5, Proceedings Issue. (Dec., 2000), pp. 1075-1086.

[4] See the comments in 'LANDNET EAST AFRICA: A Strategic View' Presentation made at DFID, London, 2nd May 2001, p. 1; Robin Palmer, 'Land and the Need for Cooperation in East Africa' *The East African* (Nairobi: Nation Newspapers Ltd.), pp.1-2.

90% of the continent's population derived its livelihood either directly or indirectly from land. However, a combination of demographic changes, urbanization, the development of commerce, new land use policies, economic development and diversification has variedly reduced the overall direct dependence on land for livelihood across the continent.

According to the UNEP GEO2000 project, 60% of West and Central Africa's population rely directly on land for survival. Be it geared towards subsistence or commercial purposes, agriculture comprises the principal economic activity in these regions.[5] In Southern Africa, the provision of land tenure security for sustainable agricultural production has been identified as the key factor in fighting poverty, food shortages and in uplifting nutritional standards.[6] In Kenya today, roughly 65% of the population live in rural areas and rely wholly on land for their food production and socio-economic security.[7] A large proportion of the urban population also relies heavily on food surpluses shipped in from their rural homes. It goes without need for overemphasis that to such communities, land is life and any threat to it causes fear and panic.[8] To the rural smallholder farming households therefore, land is a crucial resource around which revolve other aspects of the economy such as livestock rearing, crop production, on-farm investments, economic insurance and above all, household socio-economic sustenance.[9]

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[5] UNEP: GEO2000 – Global Environment Outlook. *Alternative Policy Study for West and Central Africa* NESDA, 2000.

[6] United Nations, Economic Commission for Africa (UN/ECA) *Land Tenure Systems and Sustainable Development in Southern Africa.* UNECA, Southern Africa Office, UNECA Report ECA/SA/EGM.Land/2003/2December 2003.

[7] See the discussion in Thomas Jayne et al. "Smallholder Income and Land Distribution in Africa: Implications for Poverty Reduction Strategies" in *Food Policy,* No. 28, 2003, pp. 253-275

[8] *LAND UPDATE*, Vol. 2, No.1 January – March 2003, p. 8.

[9] See the diverse arguments in e.g. Sarah Berry, "Debating the Land Question...2002; Sam Moyo, "The Land Question in Africa: Research Perspectives and Questions." Draft paper presented at CODESRIA

Like in other parts of the Third World, the relationship between the diverse and dynamic forms of land ownership and land use on the one hand and the creation of agrarian-based wealth, political power, social status and socio-economic security on the other in Africa is very significant. Its significance is central to the understanding of the core dynamics in the continent's diverse tenure arrangements.[10] This partly explains why land ownership has emerged as a major theme in Africa's contemporary economic issues, power relationships, rural peace and socio-cultural dynamics because its use is not only economically important but politically significant too.[11]

In many parts of rural Kenya with high population densities and the resultant shortage of land, the contest for and controversy over land ownership has precipitated intense inter-ethnic contests. In some parts of the Rift Valley province and along its boundary with the Western and Nyanza provinces, such land-related inter-ethnic conflicts have often turned tragic before the intervention of security forces. Unfortunately, the efforts to develop a harmonious national policy on land ownership in Kenya are clogged up in bureaucratic legalities and need urgent attention.[12] This justifies the continued focus on the system of

---

Conference on *Land Reform, the Agrarian Question and Nationalism in Africa* in Gaborone, Botswana & Dakar, Senegal, 2003; Thomas J. Bassett and Donald E. Crummey (eds.) *Land in African Agrarian Systems.* (Madison, Wisconsin: University of Wisconsin Press, 1993).

[10] Among the earlier seminal works on this theme include for instance, D. Biebuyck (ed.) *African Agrarian Systems.* (London: Oxford University Press, 1963).

[11] Several scholars have attempted a comprehensive treatise of these aspects. For purposes of illustration, see for instance, Paul Richards, "Ecological Change and the Politics of African Land Use." Review Essay in The *African Studies Review*, Vol. 26. No. 2, June 1983, pp. 1-72; Jonathan Barker (ed.) *The Politics of Agriculture in Tropical Africa.* (Beverly Hills, CA: Sage Publications, 1984).

[12] See the argument presented by Donald C. Williams 'Reconsidering State and Society in Africa: The Institutional Dimension in Land Reform Policies, *Comparative Politics*, Vol. 28, No. 2 (Jan., 1996) 212-214; Camilla Toulmin and Julian Quan (eds.) *Evolving Land Rights...*, 2000); Klaus Deininger and Hans Binswanger, "The Evolution of World Bank's Land Policy: Principles, Experience, and Future Challenges." *The World Bank Research Observer* Vol.14. No. 2, 1999, pp. 247-76.

land ownership and how this impacts socio-economic aspects of the affected communities and rural Kenya as a whole.

On the other hand, research findings in rural suggest that increased subdivision and sale of household land precipitates declining food production resulting in deteriorating socio-economic conditions.[13] In some instances, fights over family land and the monetary proceeds from the sale or lease of the same have become prevalent. Diminishing landholding sizes and escalating poverty levels account for rising inter-ethnic tension and violent contestation over allocation of de-gazetted government land to individuals.[14] Further, ethno-political alignments over the allocation of such public land is also threatening to explode into a major crisis in many parts of rural Kenya (especially those areas in the Rift Valley province with large squatter populations and landless people.)[15]

In addition, declining incomes in the agricultural sector, shrinking household land sizes and comparatively lower farm productivity have also contributed to the contemporary scholarly interest in addressing the theme of land ownership. This is especially in regard to the link between such factors and the continent's recurrent food shortages, ecological degradation, persistent low levels of agricultural development and above all, the

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[13] See for instance, Solomon Ambwere, "Policy Implications of Land Subdivision in Settlement Areas: A Case Study of Lumakanda, Settlement Scheme." The University of Nairobi, Kenya, 2003.

[14] See the discussion on "Scheme Mpya" or Mautuma Central in Chap. 4; Xavier Peron, "Land Privatization and Public Appropriation of Land Among the Maasai in Kenya: A Status of Double Oppression." *Working Paper No.22.* (Nairobi: French Institute for Research, 1995).

[15] The Sabaot of Mt. Elgon for instance, formed the Sabaot Land Defense Force (SLDF) to fight and expel other immigrant Kenyan communities in the area such as the Okiek (Dorobo).

challenges of developing a robust national land policy.[16] In Kenya for instance, recurrent food shortages in smallholder rural farming areas have often occurred consequentially after spiraling sub-division and sale of household land.

In spite of its crucial significance in Africa's economy, the availability of land within a given unit of population does not necessarily assure all members uncontested or equal access to the land and its resources. More often than not, the prevailing system of land ownership and the power relations tend to determine greatly who can access and own the land or utilize its resources. Many African countries have high inequalities in terms of land ownership.[17] This explains why the question of land, its ownership, and expropriation is a potent source of violent and at times, fatal conflict not only within families but also between different clans and ethnic groups.[18]

Perceived in this manner, it is discernible that that any changes in an established system of land ownership impacts significantly on the paradigms determining access to the land. This, in turn, has important implications as pertains to the usufructuary and legal arrangements regarding land ownership. Given the complexities embedded in diverse

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[16] Richard Barrows and Michael Roth, "Land Tenure and Investment in African Agriculture: Theory and Practice", in *The Journal of Modern African Studies*, Vol. 28, No. 2, June 1990, 265-297.

[17] Due to lack of space, this study cannot delve into the detailed argument relating to inequalities in land ownership. For the purpose of this study, see for instance. Kenya Human Rights Commission, *Ours by Right, Theirs by Might: A Study on the Land Clashes.* (Nairobi, 1996); Kenya Human Rights Commission *Who Owns This Land? A Guide to Understanding the Law of Trust Lands in Kenya.* (Nairobi: Kenya Human Rights Commission, 1997).

[18] See for instance, John Oucho, *Undercurrents of Ethnic Conflicts in Kenya.* (Leiden; Boston: Brill, 2002); G. Muigai, "Ethnicity and the Renewal of Competitive Politics in Kenya" H. Glickman (ed.) *Ethnic Conflict and Democratization in Africa.* (Atlanta, Georgia: The African Studies Association Press, 1995 pp. 161-196); and Bethwell A. Ogot, 'Transition from Single-party to Multi-party Political System 1989-93" in B. A. Ogot and William R. Ochieng' *Decolonization & Independence in Kenya, 1940-1993.* (London: James Currey; Nairobi: East African Educational Publishers Ltd. 1995) pp. 239-261.

systems of land ownership and localized peculiarities and variations, it is necessarily imperative that we proceed with the discussion with a clear contextual focus on our area of study.

1.2 Area of Study and Justification of the Research Site

Lugari Division is one of the three administrative regions that comprise Lugari District. The Division is bordered to the north and north-east by Likuyani and to the south-east by Matete Divisions (see Figure 1on page 67 below). Lugari District is one of the newest administrative regions in Kenya. The District was hived off the previous expansive Kakamega District in 1988. In terms of geographical setting, Lugari district is located to the northeastern most part of Western province and borders the southwestern fringes of the western limits of Uasin Gishu district of the expansive Rift Valley province. To the southeast of the district is Nandi District while to the west and southwest is Bungoma District occupied by the Luhya sub-ethnic group of the Bukusu (see Figure 2 on page 68 below).

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The area covered by Lugari District extending to the large mass of land between River Nzoia in the south west to the Elgeyo Escarpment to the east, the Nandi hills to the south, the eastern slopes of Mt. Elgon to the west and the Cherangani hills to the north formed a strategic land mass comprising of the fertile and lucrative pastoral Uasin Gishu plateau. To the north were the equally valuable Trans Nzoia plains while to the south, the fertile well-watered undulating hills and plains occupied by the Nandi and Kipsigis people extending southwards to the River Nyando plains. The northern pasturelands decreased in grassland and vegetation cover, gradually receding into the semi-arid ecology of the Pokot and Turkana areas beyond the Cherangani Hills. This strategic land mass attracted the interest of many communities who coveted its fertile soils and rich, year-round pastures. Geographically therefore, Lugari Division is surrounded by the rich pasture and farmlands that have been at the center of inter-ethnic contestation for many years.

Historically, the district comprised the northern part of the then North Kavirondo Native African Reserve for the Luhya ethnic group.[19] Among the Luhya, land ownership was based on the indigenous Luhya land law and custom, which provided for sons to inherit portions of their father's lands upon reaching marriage status (with occasional addition of land from the communal reserve land). Portions of this reserve lands comprised communal pasturelands and forest resources.

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[19] The creation of enclosed reserves for Africans in Kenya followed the British annexation of all land in Kenya as Crown Land and the alienation of the most fertile lands for exclusive European settlement commonly known as the White Highlands or the Scheduled Areas. For a discussion of how North Kavirondo fits in this process, see for instance, Sibiko Wafula, "Colonial Land Policy and the North Kavirondo African Reserve to 1940" BA Dissertation, University of Nairobi, 1981; Eric M. Aseka, "A Political Economy of Buluyia, 1900-1960." Ph. D Thesis, Department of History, Kenyatta University, Nairobi, Kenya, 1990; Danson P. L Esese, "Agriculture and Socio-economic Change among the Wanga of Mumias Division, Western Kenya, 1860-1945'"MA Thesis, Department of History, Kenyatta University, Nairobi, Kenya, 1990.

Beginning in 1946 and through the Swynnerton Plan years of the 1950s to the early 1960s, fragmented lands in this area underwent consolidation under the African Land Development (ALDEV) reform programs and hence commenced the issuance of individual titles. Between 1960 and 1966, almost half of the present district area was converted into settlement schemes as part of the Million Acre Settlement Scheme project. C. P. R Nottidge and J. R. Goldsack[20] and Christopher Leo[21] assert that those to be allotted land in these schemes were drawn from squatters, unemployed people, landless families and those from over-populated areas of the country. During the last three decades, the rapid growth in an open market in land has resulted in increased land sales in the Division with the Kikuyu, Kisii and Luhya topping the list of land buyers. These two aspects largely account for the multi-ethnic nature of the population in the whole District.

At the initial conception of this research, the entire Lugari District had been chosen as the area of study. However, due to the high discordance in landholding data across the settlement schemes in the District, the study was narrowed down to Lugari Division. Like the wider District, the Division provides a suitable field setting to carry out this study because it is a microcosm of the District. Lugari Division has a rich ethnic diversity and has experienced changes in the system of land ownership covering a long historical period. For instance, the division has both medium and low-density settlement scheme landholding system in Lumakanda, Lugari, and Chekalini Locations respectively while a

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[20] C. P. R Nottidge and J. R. Goldsack. *The Million-Acre Scheme, 1962-1966* (Nairobi: Department of Settlement, Ministry of Lands and Settlement, 1966).

[21] Christopher Leo, 'The Failure of the 'Progressive Farmer' in Kenya's Million-Acre Settlement Scheme' in *The Journal of Modern African Studies*, Vol. 16, No. 4 (Dec. 1978), 619-638; Christopher Leo, "Who Benefited from the Million-Acre Scheme? Toward a Class Analysis of Kenya's Transition to Independence" in *Canadian Journal of African Studies*, Vol. 15, No. 2, 1981, pp. 201-222; Christopher Leo, *Land Class in Kenya*. (Toronto: University of Toronto Press, 1984).

pseudo-customary tenure system predominates in the lower parts of Matete Division.[22] The settlement schemes were created out of land purchased by the Settlement Fund Trustees (SFT) from the government and departing European settler farmers. This makes it suitable for the effective study and analysis of the changing system of land ownership. The settler land had been forcibly alienated from the Africans during the early phase of the colonial period.

Second, unlike many other parts of rural Kenya, Lugari Division comprises an active re-settlement borderland area. There are many hitherto landless families and squatters (including the retrenched government civil servants previously employed in the Forest Department) who have been allocated land in the de-gazetted government areas such as Mautuma Central (or Scheme Mpya) in the Division.[23] This presents a unique opportunity to analyze the dynamics of land allocation and the overall changing system of land ownership in the Division. Third, prior to the 1992 and 1997 ethnic clashes, the Division had a large ethnic diversity of landowners from different parts of Kenya.

Though the Luhya and the Nandi speakers dominated this region intermittently from the 1890s to the 1960s, its ethnic and demographic patterns have been changing rapidly since the mid 1960s. This has been caused by the large immigration of other ethnic groups such as the Kikuyu from the Central and Rift Valley Provinces; Kalenjin sub-groups such as

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[22] Republic of Kenya, Ministry of Finance and Planning, *Lugari District Development Plan, 2002-2007.* (Nairobi: Government Printer, 2002); Republic of Kenya. Kenya National Mapping. District MAP, *Kakamega District (including District study from Lugari District) Lugari District Study* (Nairobi: Government Printer, 2004), pp. 25-26.

[23] Republic of Kenya, Kenya National Mapping. District MAP, *Kakamega District (including District study from Lugari Districts) Lugari District Study* (Nairobi: Government Printer, 2004), p. 26.

the Keiyo and Marakwet in the Rift Valley; the Gusii from Kisii; the Luo from Nyanza, and various sub-groups of the Luhya from Western province especially the Maragoli from Vihiga District.[24] Through both individual initiatives and the formation of temporary land buying companies, these immigrant ethnic groups have bought parcels of land in the district and subdivided it among the members. These companies also assist members to pay for land leasing charges.

This immigration initiated the recent rapid expansion in the movement of staple foodstuffs from Lugari/Trans Nzoia and the western parts of Uasin Gishu districts to Nyanza, Kisii and Maragoli. This trend has important implications with regard to food sufficiency/security and the overall socio-economic conditions in the district that calls for urgent research. The influx of especially these "foreign" ethnic groups has tended to fan localized inter-ethnic contests over land ownership.[25] Such inter-ethnic contests over land allocation need to be given urgent scholarly attention. This is partly what lends contemporary relevance, uniqueness, and the suitability of this division to this study.

1.3. Contextual Historical Background to the Topic and Literature Review

Africa's diverse systems of land tenure[26] have been evolving throughout time. A land tenure system is very important because apart from determining accessibility to and the

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[24] Republic of Kenya, Kenya National Mapping. District MAP, *Kakamega District. District Study. District Population Study*. (Nairobi: Government Printer, 2004), pp. 7-9.

[25] Historical and contemporary inter-ethnic contests over land ownership in the Rift Valley and other sensitive parts of Kenya have become almost intractable, and hence the resultant bloody conflicts. For detailed discussion of these phenomena, see for instance, John Oucho *Undercurrents*... 2002.

[26] The system of land tenure in a community can be broadly defined as the system of rights and duties of the people with regard to the ownership and use of land. For further perspectives on this definition, see

ownership of land, it also delimits the terms or conditions governing the ownership, exchange or appropriation of land. It has been asserted that land tenure systems are among the most important determinants of increased farm productivity and efficiency, especially if they contribute towards optimal land use, or if they facilitate sustained economic productivity and encourage capital formation. In many respects, higher levels of security of tenure in land tend to encourage higher levels of capital and labor investment in the land.[27]

As mentioned above, the system of land ownership and the power games that influence and determine the allocation of land in Africa are extremely significant because Africa is still, in the main, a predominantly rural social formation. Most countries in Africa have maintained a modest degree of pre-colonial land ownership patterns but with a strong presence of modern, individual acquisition through the open market in land. In the former-settler colonies such as Kenya, Zimbabwe and South Africa, the customary land ownership systems were distorted when large tracts of prime farmland were alienated for exclusive European settlement. This engendered new patterns of land ownership with smallholder, large-scale estate ranching, corporate and indigenous patterns existing side by side in a complex pattern.[28]

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for instance J. Cohen, "Land Tenure and Rural Development in Africa" in R. Bates and Lofchie, L. (eds.) *Agricultural Development in Africa.* (New York: Praeger Press, 1980).

[27] See for instance John W. Bruce *Land Tenure Issues in Project Design and Strategies for Agricultural Development in Sub-Saharan Africa.* (Madison, Wis.: Land Tenure Center, University of Wisconsin-Madison, 1985) and studies sponsored by the World Bank and the Land Tenure Center in John W. Bruce, & S. E. Migot-Adholla (eds.) *Searching for Land Tenure Security in Africa.* (Dubuque, Iowa: Kendall/Hunt, 1994) on e.g. Senegal, Burkina Faso, Somalia, Ghana, Uganda, Kenya and Rwanda regarding the relationship between African indigenous tenure systems and increased/improved agricultural productivity or investment in production.

[28] It is almost impossible to do justice to such a crucial and wide phenomenon. In Kenya, part of the former White Highlands were allocated to landless and unemployed Africans in the A Million-Acre Settlement

In spite of the rapid urbanization process witnessed elsewhere in the world during the last three decades the vast majority of Africa's population still lives in rural areas on lands as smallholder farmers. In some instances, such as Namibia, Chad, Ethiopia, the Democratic Republic of Congo it is estimated that up to 50% of the population still holds their parcels of land under their customary rights. Thus, either holistically or in part, indigenous or customary tenure systems are still present in parts of Africa to varied degrees. In situations where large-scale colonial land alienation took place and there is intense inter-sectional competition for diminishing land resources, the tendency has been for the respective ethnic groups to lay claim to their former ancestral lands.

It is important to note that the recurrent ethnic clashes between the Kalenjin and the non-Kalenjin ethnic groups in the Rift Valley and along the borderlands of the present Uasin Gishu/Nandi and Lugari District are rooted in such Kalenjin ancestral land claims. However, rather than claim specific ancestral lands on the basis of e.g. family burial grounds, the Kalenjin claims are based on previous communal ownership (which brings into question the whole concept of ancestral lands on such grounds.)

However, a comprehensive understanding of the dynamics of the changing system of land ownership in Lugari Division can be grasped by beginning the analysis from the late

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Scheme program while other large farms were left intact. Further still, part of the land was converted into National Agricultural Research Stations. In Zimbabwe, the white farmers remained the dominant landowners even after independence in 1980 until 2005 when President Mugabe violently repossessed their farms and allocated them to Africans. In South Africa, the Boers took up virtually all the land and squeezed Africans in Bantustans. The attainment of independence did not change the land ownership patterns. For a detailed discussion of these trajectories, see for instance Samuel M. Kariuki, *Can Negotiated Land Reforms Deliver?: A Case of Kenya's, South Africa's and Zimbabwe's Land Reform Policy Debates.* (Leiden: African Studies Centre; Johannesburg: Department of Sociology, School of Social Sciences, University of the Witwatersrand, 2004).

pre-colonial period. This is because the contemporary systems and patterns of land ownership have their roots in this period. A brief contextual review of this aspect covering the pre-colonial and the colonial periods will be presented as a prelude to the literature on the post-colonial era.

Compared to other ethnic groups in Kenya, the Luhya sub-groups have received inadequate focus in terms of a comprehensive study of each sub-group in contrast to say, studies done on the Kikuyu. Most of the research has tended to lean heavily in favor of the densely populated Maragoli, the Bukusu of Bungoma District and the former Wanga Kingdom of Nabongo Mumia at the expense of the rest of the sub-groups. Apparently, this precedent was set by missionary and pioneering anthropological studies carried out during the pre-colonial and early colonial periods. In effect, many studies bearing the name of the 'Luhya' in the titles usually end up focusing on one of these "favorite" groups! Perhaps due to the high multiplicity of the Luhya sub-groups[29] scholars have tended to generalize regarding the entire ethnic group. Consequently, the literature review here will emphasize those works that have a heavier leaning on the system of land ownership and socio-economic change in Western Kenya and especially the present Lugari Division.

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[29] The Luyia consist of 17 main sub-groups and two minor ones. The main sub-ethnic groups are as follows: Abetakho (Idakho), Abesukha (Isukha), Abatirichi (Tiriki), Abalogoli (Maragoli), Abanyole (Banyore), Abamarama (Marama), Abawanga (Wanga), Abanyala (Banyala), Ababukusu (Bukusu), Abakabrasi (Kabras), Abamarachi (Marachi), Abasamia (Samia), Abakhayo (Bakhayo), Abatachoni (Tachoni), Abatsotso (Batsotso), Abashisa (Kisa), and Abasonga (Basonga). The Nyang'ori, otherwise called Terik or Tiriki are increasingly becoming Luyianized. These speak both Luyia and Kalenjin and are basically speaking more Luyia language with time. See Gideon S. Were, *A History of the Abaluyia of Western Kenya C1500 – 1930.* (Nairobi: East African Publishing House, 1967a); Gideon S. Were *Western Historical Texts: Abaluyia, Teso and Elgon Kalenjin* (Nairobi: East African Literature Bureau, 1967b); James B. Osogo, *History of the Baluyia.* (London: Oxford University Press, 1966).

Arguably one of the pioneering studies on the Bantu of Western Kenya, Norman Humphrey[30] focuses his attention on social and economic institutional organization in the North Kavirondo district. This study covers the late part of the pre-colonial and the early phase of the colonial period. The analysis revolves around the social lifestyle and the organization of agricultural production system of mainly the Marama and the Maragoli Luhya sub-ethnic groups. The author attempts a brief comparison between the socio-economic lifestyle and system of land ownership of these Western Bantu groups and that Kikuyu of Central province.

On the whole, though Humphrey presents a fair survey of the socio-economic organization and agricultural system of the groups he studies, his analysis is rather generalized. The study lacks an in-depth study of critical aspects of the system of land ownership. For instance, though the author is convinced that the rest of the Western Bantu groups lacked the type of centralized authority except among the Wanga with regard to land ownership, he does not explain how the Maragoli and Marama people organized and sustained their respective systems of land ownership. His work also falls short on explaining how colonial land alienation and administrative changes affected the system of land ownership. Last but not least, his discussion of the role of population increase in changing socio-economic lifestyles and land sizes is not sufficient.

In spite of these shortcomings, Humphrey's work is useful in that it sheds light onto the general system of agriculture in North Kavirondo district during the pre-colonial and

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[30] Norman Humphrey, *The Liguru and the Land.* (Nairobi: Government Printer, 1947).

colonial periods. In particular, the book provides useful data for comparison with regard to land use and the cropping patterns and sequences of the Luhya sub-groups.

Gunter Wagner is Norman Humphrey's contemporaneous scholar. Wagner is best known for his pioneering study of the kinship and magical-religious practices of selected Bantu groups. Although Wagner has two volumes[31] on the Bantu of Western Kenya, his works focus mainly on the Maragoli and Bukusu sub-ethnic groups. In his first volume[32], Wagner devotes his focus on the geographical, demographic, cultural, and religious and kinship institutions among the Maragoli and Bukusu and how missionaries and colonialism impacted these aspects. In the second volume, Wagner turns his attention to the economic aspects. The central focus is on the system of land tenure, crop cultivation, livestock production and local trading activities.

While applying a modernization approach, Wagner contends that the introduction of modern agricultural technology, high yielding variety seeds and other innovations during the colonial period was not very successful. The apparent failure emanated from the initial rejection of these innovations by the Africans, partly because of the fear of losing their land and partly due to ignorance-given that the majority of the producers were not educated. He argues further that the Africans also declined to prevent soil erosion or to

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[31] Gunter Wagner, *The Bantu of North Kavirondo,* Vol.1. (London: Oxford University Press, 1949) and Gunter Wagner, *The Bantu of Western Kenya: With Special Reference to the Vugusu and Logoli.* Vol. 2. Economic Aspects. (London: Oxford University Press, 1956).

[32] In Vol. 1 Wagner (1949) looks at the geographical and demographic setting of the Nyanza Province, including the area of study. He analyses the advent and establishment of colonial rule and the subsequent infra and superstructure that followed. The book extensively details a description of the Kinship structure of different sub-ethnic groups. The focus is on magical-religious practices, the rites of passage, marriage and death ceremonies.

implement other agricultural modernization measures introduced by the Department of Agriculture due to magical-religious reasons.[33]

In spite of presenting very useful data on the relevant aspects such as the system of land ownership among the Bantu sub-groups in our area of study, Wagner's thesis and those of its ilk at that time have been heavily censored in African Studies due their Eurocentric approach. Wagner's argument is problematic because first, he begins off with the Eurocentric and unilinear perception that the Africans were "backward" and needed European/British agricultural innovations and/or modernization to develop. The argument then proceeds to present the Africans as irrational beings incapable of appreciating the benefits of embracing modernity.

Africanist scholarship has criticized this approach to the study of economic change in Africa. This is because African peasant producers possess their own rationality, knowledge and approach to changes in the sphere of agricultural production. Like other producers elsewhere, these peasants do not embrace new crops or agricultural innovations blindly without a thorough evaluation of the ecological suitability and economic profitability of the crops. For instance, as we will see in Chapters Two and Three below, the initial reluctance by the Kabras in Lugari Division to plant the new white maize seeds (instead of the indigenous species) was not because of 'backwardness' but because they had to weigh and ascertain the labor requirements, nutritional and exchange value, and above all, the ecological suitability of the new maize species before embracing them.

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[33] See Gunter Wagner, *The Bantu of Western Kenya: With Special Reference to the Vugusu and Logoli.* Vol. 2. *Economic Aspects.* (London: Oxford University Press, 1956), p. 38.

Similarly, as shown in my previous work reviewed below, the Wanga people declined to cultivate cotton in their fields not because they were "backward" but due to concrete reasons. The declined because of its poor prices and the fact that besides being a 'pure' cash crop, it demanded a lot of labor in contrast to its benefits.[34] This is evident enough that such wholesale denunciation of the Africans as being 'backward' or 'stubbornly resistant' to 'modernizing' initiatives (especially in agriculture) is not sustainable. However, in spite of these serious theoretical shortcomings, Wagner's second volume contributes positively to this study by providing insights into the system of land ownership and agriculture among the closely related Bantu sub-groups in Western Kenya during both the pre-colonial and the first half of the colonial periods.

The Wanga Luhya sub-group of the previous Mumias Division of the then Kakamega District, Western province had one of the most robust systems of land ownership and use among the sedentary Bantu cultivators in Western Kenya. In my research on these people focusing on the system of land ownership and agricultural change covering the period between 1860 and 1945[35], it is evident that land played a pivotal role in the socio-economic well being of the community. My research findings show that among the Wanga, land was acquired on the basis of first occupants and/or by incorporating empty lands adjacent to their villages. Once acquired, land fell under the control of the clan

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[34] The debate over the adoption (or lack of) new agricultural innovations during the colonial period has been the focus of diverse research. For the purposes of this study, see for instance, Gavin Kitching, *Class and Economic Change in Kenya.* (New Haven: Yale University Press, 1980), p. 26; Francis Bode, "Anti-Colonial Politics within a Tribe: The Case of the Abaluyia of Western Kenya" in Aloo Fred Ojuka & William R. Ochieng' (eds.) *Politics and Leadership in Africa.* (Nairobi: East African Literature Bureau, 1975); B. D. Bowles, "Peasant Production and Underdevelopment: The Case of Colonial Kenya", in *African Review* Vol.6 No.2, 1976, pp.1-35; Fearn Hugh, *An African Economy: A Study of the Economic Development of Nyanza Province of Kenya, 1903 – 1953.* (London/New York: Oxford Univ. Press, 1961).

[35] Danson P. L. Esese, "Agriculture and Socio-economic Change..." 1990.

elders. In turn, clan elders oversaw the allocation of clan lands to individual families and for other communal purposes such as pastures, bush-land for the extraction of timber, thatching material, medicinal herbs, salt licks and watering points. Each village settlement under a clan elder was responsible for the effective use and ecological preservation of all the resources under its control.

During the pre-colonial period, the Wanga identified five main types of land. These encased communal, bush-land/forests, family, individual, and no-man's lands or empty lands between distant clans.[36] Land ownership was based on the system of hereditary rights passed from father to son. As discussed elsewhere in this study, this system of land inheritance through male heirs culminated in the formation of family lands. By virtue of membership to the Wanga community, each individual was entitled to a homestead, village and clan lands under the ownership and control of the community.[37] Thus, though land was acquired at the clan level, it was individually owned and cultivated at the family level.

Among the Wanga, complex land laws governed the transfer of ownership and usufruct rights in land. Similarly, the allocation of land to tenants and members of the kinship group was strictly carried out by the powerful clan elders. Within this system, a robust agricultural system with livestock keeping flourished tremendously. Indeed, pioneering anthropological scholars recorded a very flourishing agricultural economy among these

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[36] For a detailed discussion of different "types" of land among the Wanga, see Danson P. L. Esese, "Agriculture and Socio-economic Change....1990" Chapter 2.

[37] Charles K. Meek, *Land Law and Custom in The Colonies* 2nd edition (London; New York: OUP, 1949), p. 45; *Colonial Law: A Bibliography with special Reference to Native African Systems of Law and Land Tenure.* (London: OUP, 1948).

people. Thus, by the advent of colonial rule and its attendant land ownership policy regulations that distorted indigenous African agricultural practices, the Wanga had a well-organized land tenure system based on effective customary land law under the administration of a powerful hierarchical patrilineal system.

A comparative study by Margaret Jean Hay[38] on the economic and social change among the Luo of Kowe, Nyanza province between 1880 and 1939 focuses on changing economic patterns in agricultural production, household labor, trade and the adoption of and spread of new food and cash crops (especially maize). Unlike the hitherto Eurocentric claims that Africans lacked initiative in terms of agricultural change, Hay notes that the Luo, like other African producers, were neither conservative nor resistant to innovations and technological change. Her findings demonstrate that through their own mechanisms, the Luo systematically embraced the new food and cash crops alongside the use of new technological innovations in farming.

Hay contends that both agricultural production innovations and tools constituted part and parcel of pre-colonial African agriculture. While citing oral and archeological sources, Hay demonstrates that experimentation with new crops and agricultural tools were a regular feature of the African agricultural system. Thus, the advent of the British with their new innovations and their conscious attempts to "modernize" the African agricultural system simply intensified the pace of change.[39] This is a very significant

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[38] Margaret J. Hay, "Economic Change in Luoland, Kowe 1890 – 1945." Ph. D. Thesis. Madison, Wisconsin: University of Wisconsin, Department of History, 1977.

[39] Margaret J. Hay, "Economic Change in Luoland ....1977, pp.129-130.

observation and we would say the same of the Kabras of Lugari Division. By way of a critique however, Hay argues that the Luo were initially reluctant to embrace the new crops and farming tools because of the coercive approach used by the colonial government. Like other economic communities elsewhere, the Luo needed both time and space to consider the functionality of the new forms of technology and the versatility of the new crops and equally assess the impact on their social, political and economic (and especially household labor organization) before adopting them *en mass.*

However, despite this constructive argument, her work has some factual shortcomings, in particular her thesis on the nodal dispersal of maize from Kowe to other parts of Western Kenya, especially Kisii. This thesis is not correct because the Kisii, like other communities, had their own maize variety long before colonial rule. All in all, her work is useful in providing constructive analytical perceptions on certain aspects of economic change in the Western Kenya (Kavirondo) region.

Patrick O. Alila[40] focuses on the evolution of the agricultural policy and services for the smallholder-farming sector in Kenya during the colonial period. The study emphasizes the formulation of agricultural policy and provision of extension services against a background of economic, political, social and administrative crises. The major points of reference are the two World Wars, the Mau Mau uprising and the question of extraction of labor from the African reserves. These observations enrich our analytical approach to

[40]Patrick O. Alila, "Kenyan Agricultural Policy: The Colonial Roots of African Small Holder Agricultural Policy and Services." *Institute for Development Studies. Working Paper No. 327*, Nairobi: University of Nairobi, 1977.

the impact of colonial land ownership polices. Our study shows that both the Kabras and the Nandi became increasingly restive as the colonial period wore on due to the escalating socio-economic pressure and agrarian crises from land and food shortages.

Alila contends that it was not until the late colonial period that the government formulated new policy and began providing basic support services for the smallholder African agricultural areas of Kenya, especially the "Native" Reserves. This, he asserts, emerged largely out of the crises mentioned above. (These agricultural improvement efforts under ALDEV and Swynnerton Plan are discussed in detail elsewhere in this study). Alila also looks at other aspects of agricultural production including crop productivity, transportation facilities, land fragmentation, demonstration plots, agricultural labor and livestock production in Nyanza. Though very general in approach covering the entire Nyanza province, Alila's work has useful information on some aspects of African agricultural production in the Native Reserves during the colonial period.

Sibiko Wafula[41] discusses land alienation and the creation of the North Kavirondo Native Reserve within the national context of the land question in Kenya. His research centers on the negative effects of land alienation and forced labor (especially that in lieu of Poll and Hut taxes). Putting these aspects against the overall process of the development of colonial capitalism, the author contends that the combined effects of land alienation and forced labor led to the distortion of the land tenure system of the Africans. This can be

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[41] Sibiko Wafula, 'Colonial Land Policy and the North Kavirondo African Reserve to 1940'. B.A. Dissertation, University of Nairobi, 1981.

seen from the fact by the 1920s and 1940s, North Kavirondo was experiencing a serious shortage of adequate land for agricultural (food) production. He argues that since land is central in the social, political and economic institutions of the African economy, colonial land policies that limited the accessibility of the Africans to land both as a form of capital and factor of production played a pivotal role in the economic degeneration of North Kavirondo. By the advent of the ALDEV programs after the Second World War, the Africans in the Reserves had lost the capacity to produce sufficient food and goods for their own consumption and reproduction respectively.

Undoubtedly, it is largely true that the impoverization of the African in the Reserves was one of the primary objectives of introducing these zones as a way of also creating a pool of cheap labor for the nascent colonial capitalist economy. However, all in all, colonial land, taxation and labor policies also stunted the development of varied forms of production technology within the African sector in the Reserve. This comprises part of the core argument in our area of study in which we demonstrate that throughout the 1930s and 1940s, protests by the Africans in the Reserve against these colonial vices were escalating. Further, as noted in Chapters 2 to 4 below, the recommendations by various Commissions of Inquiry into the land problems in the Reserves were never implemented. In particular, those by the 1930 Committee[42] and the Report of the Land Commission of 1933[43] (that served as basis for policy formulation to resolve the then

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[42] Kenya Colony and Protectorate *Report of Committee on Native Land Tenure in the North Kavirondo Reserve*, Nairobi: Government Printer, 1930.

[43] Great Britain. Kenya Land Commission. *Report of the Kenya Land Commission.* (Nairobi: Government Printer, 1933).

pressing land problem in Kenya) did not address these concerns. Rita M. Breen[44] attests convincingly that these Commissions' reports were 'a sham of justice for their settlement of African land needs.'

In one of the pioneering illustrative studies on the dialectic relationship between colonial agricultural policies, food deficiency, economic dependency and colonial capitalism, B. D. Bowles[45] provides an intriguing simultaneous application of the underdevelopment and ecological theories. This unique combined methodological approach proves very appropriate in depicting how the colonial state and colonial capitalism entrenched their exploitative and extractive systems on the peasant producers in colonial Kenya. Though these two theoretical perspectives are supposed to be conventionally opposed, Bowles successfully applies them in this study.

Published during the time when dependence and underdevelopment theoretical perspectives were popular, Bowles expediently demonstrates how the institutionalization of Hut and Poll taxes and the commoditization of production depressed African peasant productivity. Further, the author convincingly shows how for instance, the forced cultivation of cash crops (especially maize and cotton) in ecologically unsuitable areas distorted indigenous mechanisms of preventing soil erosion and thus, causing ecological

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[44] The inter-war period in Kenya was marked by increasing African demand for a return of the alienated lands as reflected in the recommendations by these commissions on land tenure. However, attempts by the colonial administration under Department of Native Affairs to address the land question was always rebuffed by the powerful and influential settler community that opposed any ceding of alienated lands back to the Africans. For an overview, see Rita Mary Breen, "The Politics of Land: The Kenya Land Commission (1932-33) and its Effects on Land Policy in Kenya." Ph.D. Thesis, Michigan State University, 1976.

[45] B. D. Bowles, "Peasant Production.... 1976, pp.1-35.

degradation.[46] Consequently, such African areas suffered depressed food productivity and high dependence on certain crops that served both as food and cash crops. The forced introduction of the new maize species in Machakos District provided an exemplary illustration.

A similar situation obtained among the Kabras in Lugari Division following the forced cultivation of the new white maize species instead of the indigenous strains (though with less ecological severity compared to the situation in Machakos and the case of cotton in some parts of Nyanza province). However, the cumulative impact of colonial institutions on the African economy was equally deep and diverse to cite my previous research:

> "The forced cultivation of new crops coupled with the incorporation of peasants into the capitalist system are major factors that led to regression in the techniques used by peasants to produce sufficient food and a surplus during the pre-colonial era. The forced payment of taxes, forced labor supply and the extraction of the surplus by the colonial administration impoverished the peasants who were herded into the African Reserves. This reduced their productivity as monoculture became a feature of peasant agriculture. Besides leading to dietary deficiencies, this development also saw the peasants producing less nutritious food cops through their need for cash, and worse, these crops were for sale rather than consumption. The increasing need for cash forced peasants to use more land with less attention to soil preservation thus, leading to soil exhaustion, which in tern led to poor harvests and hence poor incomes."[47]

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[46] B. D. Bowles argues that ecological deterioration in African (Reserve) areas was not a product of poor ecological use and knowledge among Africans but as a result of the coerced introduction of unsuitable cash crops. Besides, the heavy burden of taxation and the increased commoditization of the economy also pushed the land's carrying capacity to the limit. Bowles concluded that ecological deterioration was not an incidental occurrence but a direct result of colonial pressures to increase and appropriate a surplus. (p. 213).

[47] Danson P. L. Esese. "Agriculture and Socio-economic Change.. 1992," p. 62.

On her part, Sister Reginald Nasimiyu[48] ably applies the theory of dependence and underdevelopment to demonstrate how the introduction of individual registration and titling in land engendered gender inequalities that made women to become increasingly dependant on men for their livelihood. Her study presents an intriguing analysis of the changing roles and status of women from the pre-colonial to the colonial periods, especially given her enlightening application of this theory to the pre-capitalist social formation. Her work heavily censors colonial policies for entrenching chronic poverty and women's dependence on men particularly in terms of educational resources, income distribution and employment opportunities. She argues that the increased impoverization of Bukusu women compared to men resulted from the lopsided colonial institutions that favored men over women in terms of employment, vocational training and educational opportunities.

On the whole, Nasimiyu's work provides an informative insight into the socio-economic dialectics produced by the colonial system and the overall evolution of the Bukusu political economy. The study has useful comparative analysis of the impact of colonial capitalism in the North Kavirondo Reserve with regard to aspects such as land ownership, food production, agricultural labor, education and local trade.

However, Nasimiyu's study places greater emphasis on how colonial capitalism and gender inequalities turned women into dependants on men without acknowledging the impact of the colonial capitalist system on the entire Bukusu and African community in

[48] Sr. Reginald Nasimiyu, "The participation of Bukusu Women in the Political Economy of Kenya: A Case study of Bukusu Women in Bungoma District, 1902-1963", M.A. Thesis, University of Nairobi, 1984.

the Reserve. Further, Nasimiyu does not address herself to the evolution of agrarian dependency on the new vulnerable cash and food crops at the expense of the hitherto versatile indigenous food economy. Contemporaneous research demonstrates that the African Reserves were increasingly being drawn into the exploitative local and global capitalist economy through the impact of monetary taxation and the commodity economy.[49] In spite of this weakness, this study stands to benefit from her informative analysis on the impact of land registration and the individualization of ownership.

The study by Fearn Hugh[50] revolves around the economic development in Nyanza Province between 1903 and 1963. This study covers our area of study in that North and South Kavirondo were amalgamated into one administrative unit called Nyanza province. The emphasis is placed on introduction and expansion of diverse productive activities in different sectors of the economy. Fearn also discusses the land tenure system, crop production, livestock keeping and the organization of labor within the contexts of the new colonial policies in agriculture.

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[49] Several sources focus on this hitherto passionate theme of dependence and underdevelopment but for purposes of our area of study, see for instance, B. D. Bowles, "Underdevelopment in Agriculture in Colonial Kenya: Some Ecological and Dietary Aspects" in Ogot, B.A. (ed.) *Ecology and History in East Africa* Hadith 7. (Nairobi: Kenya Literature Bureau, 1979); David Anderson and David Throup "Africans and Agricultural Production in Colonial Kenya: The Myth of the War as a Watershed" *The Journal of African History*, Vol. 26, No. 4, World War II and Africa (1985), pp. 327-345; York W. Bradshaw "Perpetuating Underdevelopment in Kenya: The Link Between Agriculture, Class, and State" in *African Studies Review*, Vol. 33, No. 1 (Apr., 1990), pp. 1-28; Colin Leys *Underdevelopment in Kenya: The Political Economy of Neo- colonialism, 1964-1971.* (London: Heinemann, 1975); B. D. Bowles, "Peasant Production and.... 1976).

[50] Hugh, Fearn *An African Economy: A Study of the Economic Development of Nyanza Province of Kenya, 1903-1953.* (Nairobi: Oxford University Press, 1961).

With regard to economic development and especially in relation to commerce and agriculture, the author hails the rapid growth and expansion of European and Asian business during the period covered by his study. He asserts that while Asian and European economic sectors were developing rapidly, the African sector remained "static" due two main reasons. First, he argues African farmers lacked the initiative to embrace rapid development. Second, he claims the socio-economic and cultural characteristics of the African communities put them in a position of less endowment towards rapid economic development. However, Fearn takes a quick step back from this suggestion of "innate inability" to develop in the African to acknowledge the role played by discriminative colonial policies (especially in agriculture) in stunting economic growth in the African sector. Conclusively, he credits the Asians and Europeans for the economic development in Nyanza.

The shortcoming in Fearn's interpretation of the importance of colonial policies in hindering expanded African agricultural productivity is noted but his work provides useful background reading to the overall process of economic change in the Nyanza province. His work paves the way to a focus on land ownership-related changes that were precipitated by the increased African nationalist activities presented below.

1. 4 African Nationalism and Changes in the System of Land Ownership

The rising clamor for the return of alienated land coupled with African nationalist activities played a major role in accelerating land ownership and policy reform programs

both in the colony as a whole and in the African Reserves in particular.[51] Consequently, between 1933 and 1945, the process of land consolidation and registration progressed at different paces in different parts of the colony. The process was fastest in Central province that had perhaps the highest uprooted African population. Between 1945 and 1955, the apparent success of land consolidation in African areas under ALDEV and the Swynnerton Plan encouraged the colonial administration to expand the reform process.

Several legislative acts were passed to consolidate this process. Under these Acts, land was surveyed, registered and allocated to identified individuals with full title deeds. This process identified the male head of the household as the full legal owner of the land and the title bore his name. In very few instances, women with children were recognized as household heads and given the title deed in their names. Unfortunately, this new system of land ownership based on the title deed was not uniformly implemented all over the country. It was concentrated in particular areas with high African population densities and especially those neighboring the exclusive White Highlands. Most parts of Kenya in the northwest, northern, eastern and coastal regions land was largely still owned under the customary tenure system. Among the pastoralist communities, this system of land ownership has persisted to the present day.

[51] For a detailed discussion of these aspects see for instance, Rita Mary Breen. *The Politics of Land.....* 1976; M. P. K. Sorrenson, *Land Reform in the Kikuyu Country: A study in Government Policy.* Nairobi, Oxford University Press, 1967; Melissa Leach & Robin Mearns (Eds.) *The Lie of the Land: Challenging Received Wisdom on the African Environment.* Oxford: International African Institute/James Currey; Portsmouth, N. H.: Heinemann, 1996.

Tom Smucker[52] agrees with John W. Bruce[53] and Fiona Mackenzie[54] that far from being perceived as a moribund remnant of pre-colonial agriculture, the numerous customary tenure arrangements in Kenya have not been static but have been evolving diversely in relation to the wider process of social change. Between 1904 and 1923 the colonial government in Kenya took a more active role in documenting the African customary land law of the various communities. Threatened by colonial land alienation and competing claims from other neighboring African communities, each group sought to consolidate its knowledge and hold on to their traditional lands and tenure arrangements. In such ways could communities claiming "open" pasture lands or communal reserve fallow lands lay proper claim to such lands against encroachment by the colonial governments.

John W. Harbeson,[55] emphasizes the centrality of land in Kenya's economic and political spheres. His analysis focuses on the two main land reforms programs covering the period between roughly 1954 and 1970. Harbeson contends that in the wake of the Mau Mau rebellion between the Central Kenya and the Rift Valley province (and following the recommendations of the Swynnerton Plan of 1954), the colonial government began a process of consolidating the fragmented African parcels and issuing individual titles. This move towards the institution of security of tenure alongside the de-regulation of cash crop production in African areas enabled Africans to join and expand their roles in the

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[52] Thomas Smucker, "Land Tenure Reform...", 2002.

[53] John W. Bruce, "A Perspective on Indigenous Land Tenure Systems and Land Concentrations," in R. E. Downs and S. P. Reyna (eds.) *Land and Society in Contemporary Africa.* (Hanover: University Press of New England, 1988), pp. 23-52.

[54] Fiona Mackenzie, *Land, Ecology, and Resistance in Kenya 1880 – 1952.* (London: Edinburgh University Press, 1998).

[55] John W. Harbeson, "Land Reforms and Politics in Kenya, 1954 – 70" *The Journal of Modern African Studies*, Vol.9, No.2 (Aug 1971) p.231-251.

production of lucrative cash and staple crops. The second program implemented from 1960 onwards encased that of availing credit to Africans to buy land from departing settlers which was run under the auspices of the Settlement Fund Trustees and the Department of Lands and Settlement.

Harbeson contends that both the colonial and post-colonial land reforms were not tailored to facilitate the economic prosperity of the Africans but to forestall further African nationalist activities by acting as avenues of increased rural (economic) production and development. In essence, he argues, these reforms aimed at producing a progressive minded African peasant farmer who would be more bent on increasing his wealth accumulation potential rather than engage in volatile nationalist activities. Colonial land policy stressed consolidation of African parcels but the sector that was given all the financial technical and logistical support to thrive was the settler one. As stated elsewhere in this work, the enforcement of consolidation was based on the premise that such a move would help reorganize landholdings and help African families attain better and higher agricultural yields, thus redirecting their interest away from nationalist politicking to agro-economic improvement:

> "The argument was that land consolidation would help to build up the economy so that growing numbers of landless and unemployed Africans, otherwise vulnerable to the appeal of nationalist leaders, might be gainfully employed and reject militant African leadership. Land consolidation and registration of titles were the principal foundation, for subsequent agricultural development in the African reserves."[56]

[56] J. W. Harbeson "Land Reforms....." op. cit. p.236.

Simon Coldham[57] takes the foregoing analysis further by focusing on the changes brought by land adjudication and registration among the Luo of East Koguta sub location of Nyanza province from 1952. In his introductory remarks he presents a brief, history of land tenure changes that occurred in African Reserve areas. He observes that rights to land in these reserves were determined by the African customary tenure but there was a growing demand for individual titles especially among the Kikuyu (who had lost huge chunks of their land through colonial land alienation). But the lack of consensus among colonial officials regarding the dissolution of the African customary tenure structure delayed the introduction of registration and individualized titling. Instead of implementing these demands, the colonial officials directed their efforts towards improving land and crop husbandry in the reserves through activities such as soil erosion control, and consolidation of fragmented parcels. Thus it was not until the successful consolidation process of the Swynnerton Plan in the mid 1950s among the Kikuyu that the authorities began thinking about the nature of the title to be given to the farmers.

Coldham agrees with observations that many colonial officials and leading scholars believed that customary tenure was a barrier to agricultural development (as evident from the proliferation of fragmented holdings) and thus emphasis was put on replacing it with individual parcels and titles as recommended by the Swynnerton Plan of 1954. The plan started " ...the African farmer...be provided with such security of tenure though an indefeasible title as will encourage him to invest his labor and profits into the

[57]Simon Coldham "The Effects of Registration of Title upon Customary Land Rights in Kenya." in *Journal of African Law*, Vol. 22 No.2 (Autumn, 1978), 91 – 111.

development of his farm and as will enable him offer it as security against financial credits."[58]

Concerned by the deteriorating agrarian conditions in the Reserves, the East African Royal Commission recommended the survey and registration of individual titles. As a result of a working party recommendation, the Native Lands Registration Ordinance was passed in 1959. It was later renamed the Land Registration (Special Areas) Ordinance. This Ordinance is significant in the history of land ownership in Kenya because it dealt with both processes of land adjudication and consolidation on the one hand and with individual parcel registration and title on the other. This forms an important transitory watershed in the evolution of land tenure policy because once registered under individual title, such land was no longer being governed under African customary law. Once registered, such land fell under the new regulations derived from the English model, giving the titleholder absolute ownership and alienation rights. This partly accounts for the increase in the sale of individual land parcels from the 1980s to date.

In order to harmonize the dual roles of this Act, changes were made whereby the registration provisions of the act were dissolved and replaced by the Registered Land Act of Kenya of 1963. Land adjudication and consolidation were combined into the Land Adjudication Act passed the following year in 1964. To simplify its role in reforming land ownership especially in those areas where consolidation of fragmented parcels was going on, the Act was reconstituted as the Land Adjudication Act in 1968. Coldham

[58] Simon Coldham "The Effects of Registration... 1987, p.13.

concludes that when Kenya attained independence in 1963, the process of land consolidation and registration did not lose momentum. Instead, he asserts that the process accelerated and expanded beyond the Kikuyu Native Land Unit/Reserve where it was originally intended to cover "virtually all the agricultural areas of the former Native Lands and has recently been extended to the pastoral areas of Masailand."[59]

During and following the de-colonization period in Africa, many countries sought to reform land ownership as one of the pre-requisites of engendering economic development. Most of the land reform programs aimed at the creation of individualized land ownership systems with full titles, widely seen by leading aid agencies and development policy specialties as a necessary transitory stage to improved land use and farming practices. T. Smucker notes that while the African governments endeavored to reform land ownership hinging on individualized land rights, several factors have emerged significantly influencing the dynamic changes within the ambit of the African customary land tenure systems. This relates especially to "increasing value of land as it replaces livestock as the primary indicator of wealth in society."[60]

Like other contemporaneous studies, Tom Smucker[61] notes that throughout the 1960s to the 1970s the process of improving African smallholder farming in Kenya continued earnestly centering on land consolidation, land demarcation and the issuance of individual title deeds. As elaborately stated elsewhere in this study, such land reforms

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[59] Simon Coldham "The Effects of Registration... 1987, p. 92.
[60] Thomas Smucker, "Land Tenure Reform..... 2002, p.1
[61] Thomas Smucker, "Land Tenure Reform.....2002, pp. 1-2

programs were aimed at increasing security of tenure and supposedly in turn facilitating and encouraging improved methods of land use. All these were expected to result in increased productivity (accentuated by the incentives provided by individual rights).

1.5 Land Ownership and Changing Paradigms: From "Backwardness" to 'Modernization'

The introduction and at times forced adoption of improved farming tools and seeds have featured prominently in studies on Africa's agricultural performance. The presumed lineal progression towards increased productivity emanating from the adoption of these reforms is strongly affiliated with modern development perspectives focusing on the growth of markets. In fact, market-based economic reform policies and perspectives on Africa have predominated the theoretical rationale behind the land tenure reforms program throughout the 1980s to the present.[62] The intellectual predecessors of these perspectives are largely responsible for the modernization theories that prevailed in economic development policy debates and circles on improving Africa's economy of the post-1960's.

In essence, these perspectives emphasize the relative 'backwardness' of African customary systems of land ownership as the principle factors behind the continent's poor levels of agricultural development. Such customary structures are blamed for acting as a

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[62] Throughout the past three to four decades, a cadre of scholarship has focused on the relationship between African customary practices and agricultural development. For a viable reading, see for instance, J. I. Dibua "Agricultural Modernization, the Environment and Sustainable Production in Nigeria, 1970 – 1985." in *African Economic History*, No. 30 (2002), pp. 107-137; Jonathan Barker, editor *The Politics of Agriculture in Tropical Africa.* (Beverly Hills: Sage Publications, 1984); Robert E. Clute "The Role of Agriculture in African Development" in *African Studies Review*, Vol. 25, No. 4 (Dec., 1982), pp. 1-20; Kenneth Howard Shapiro. "Efficiency and Modernization in African Agriculture: A Case Study in Geita District, Tanzania." Ph.D Thesis, Stanford University. (Ann Arbor, Mich: University Microfilms, 1973)

barrier to increased investment in agriculture and modernization of farming technology. This accounts for the recent proliferation of research in the 1980s-1990s on the relationship between security of tenure in land and investments in land and agricultural productivity.

Generally the modernization theoretical paradigm tends to equate security of tenure in land with individualization of land ownership based on individual title and the supposed attendant individual decision–making regarding land use and investment. Put another way, individual registration and titling releases the process of decision-making from the "burdensomeness of the communalism" enabling the forces of development to become dynamic. These aspects are believed to be anti-ethical to indigenous tenure systems. This explains why the development paradigms based on the market approach emphasize the replacement of the customary tenure system with the "modern" individualized system that is supposed to support rapid agricultural modernization, and hence development. It is within this theoretical and analytical paradigm that the aforementioned research on Africa's land tenure system sponsored by the World Bank blossomed in the 1990s.

However, there has been limited empirical evidence from recent research in Africa to support these theoretical and market based observations. Indeed, as pointed out elsewhere in this study with reference to the World Bank and IMF funded research in several African countries, countering research by Shem E. Migot-Adholla et al[63] and Angelique

[63] Shem E. Migot-Adholla,., et al. "Security of Tenure and Land Productivity in Kenya", in John W. Bruce and Shem E. Migot-Adholla, eds. *Searching for Land Tenure Security in Africa.* (Dubuque; Kendall/Hunt, 1994), pp.119-140.

Haugerud[64] did not find any significant relationship between different types of land tenure systems and the level of investment in agricultural productivity. Similarly, research by Kathryn Firmin-Sellers and Patrick Sellers[65] in Cameroun did not yield any substantive evidence giving a distinct relationship between individualized title deeds and increased productivity in agriculture.

The brief literature review presented above shows that most of the published works on the system of land ownership in Western Kenya tend to emphasize agricultural production and the attendant economic issues more than the institutional structures of land tenure. However, the question of land ownership and agricultural production in colonial Kenya straddles across of the myths of "backwardness" of the African land tenure and land use systems on the one hand and the dialectics of colonial capitalism on the other. Though the myth of Africa's agrarian systems having been predominated by shifting cultivation have since been largely dismissed,[66] the persistence of pseudo-communal tenure arrangements in several African communities today calls for further reconsideration.

The mention of communalism is necessitated by the fact that the persistence of land use practices rooted in shifting cultivation and communal ownership has been heavily blamed for the slow or lack of technological advancement in Africa's agricultural sector. At the core of this debate is whether the persistence of African indigenous tenure systems is a

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[64] Angelique Haugerud, "Land Tenure and Agrarian Change in Kenya." in *Africa* 59 (1989): 61-90.
[65] Kathryn Firmin-Sellers and Patrick Sellers, "Expected Failures.....1999."
[66] See for instance the seminal works such as William Allan, *The African Husbandman*. (Connecticut: Greenwood Press, 1977).

barrier to modernization and hence rapid development of the agricultural sector. This theme has increasingly assumed significant proportions in economic aid circles especially after the preliminary findings from the research done by Richard Barrows and Michael Roth[67] and others that partly showed indigenous tenure institutions as hindering agricultural modernization. This largely controversial debate that has been going on for the past two decades or so is important to this study because it sheds light on the challenges facing the formulation of a robust national policy on land ownership in Kenya.

The World Bank and the IMF commissioned scholarly research into the role of land tenure structures in agricultural development due to the possibilities that their monetary aid and economic development policy programs in agriculture may not yield the anticipated outcomes due to such setbacks.[68] Together with researchers from the Land Tenure Center[69], the scholars set off by raising three pertinent issues. The first and most important aspect was to find out if African customary land ownership systems afford farmers adequate security of tenure. This is with regard to the provision of land ownership arrangements that make owners feel secure.

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[67] Richard Barrows and Michael Roth, "Land Tenure and Investment in African Agriculture: Theory and Evidence." *Journal of Modern Studies,* 28 (2) 1990: 265-297.

[68] A good example of this discussion focusing on the relationship between land tenure and aid-supported agricultural development policy and programs, see for instance, Gershon Feder and Raymond Noronha, "Land Rights Systems and Agricultural Development in Sub-Saharan Africa" in *The World Bank Research Observer*, Vol. 2, No. 2 (Jul., 1987), pp. 143-169; William B. Morgan and Jerzy A. Solarz "Agricultural Crisis in Sub-Saharan Africa: Development Constraints and Policy Problems" *The Geographical Journal*, Vol. 160, No. 1 (Mar., 1994), pp. 57-73.

[69] There were several research projects carried out under this mandate. They focused on diverse systems of land ownership across the diverse African communities covering an equally diverse agrarian terrain. For instance, the studies covered Ghana, Senegal, Somalia, Kenya, Ethiopia, and Rwanda among other Africa countries. The land tenure systems studied also fell under different religious, ethnic, geographical and cultural terrains. For a complete schedule of the studies, see John W. Bruce, & S. E. Migot-Adholla eds. *Searching for Land Tenure Security in Africa.* (Dubuque, Iowa: Kendall/Hunt, 1994).

The second thematic issue was to establish whether African farmers would make decisions to invest in land over which they have no legal and/or official assurance of continuous use rights (and whose products they may not freely dispose of without sanctions from other sources.) Last, the researchers sought to find out whether, given the prevailing economic conditions where African economies are increasingly getting integrated into the global economy, if it would be rational to replace customary land tenure and land use practices with state-sponsored individual rights to farmland guaranteed by registered title deeds.[70]

The foregoing issues comprise the core components of the debate on the intersecting relationship between customary tenure institutions in Africa, the systems of land ownership, the level of security of tenure in land and agricultural productivity. It is not the intent of this study to delve deeply into the dynamics of this debate but suffice it to not that the performance of agricultural reforms in Africa sponsored by leading multilateral aid organizations, agencies, and policy makers in donor countries over the last four decades has not been even. Different land use and agricultural improvement programs sponsored by the aforementioned aid agencies in different countries have produced different results.[71] This discordance has strengthened the need for a focus on the relationship between the level of security of tenure in land and agricultural development. This aspect is very crucial in understanding the sensitized land ownership

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[70] Shem E. Migot-Adholla and John W. Bruce, 1994, "Introduction:.." op. cit. p. 1.

[71] The effectiveness of foreign aid in Africa's agriculture remains a very controversial topic. There is diverse literature on this theme. For a glimpse, see for instance the diverse views by contributors in Uma Lele, (ed) *Aid to African Agriculture: Lessons from Two Decades of Donors' Experience.* (Baltimore: Johns Hopkins University Press, 1991); Sam Kane and Carl K. Eicher. *Foreign aid and the African Farmer.* (East Lansing, Mich.: Dept. of Agricultural Economics, Michigan State University, 2004).

matters in our area of study given the persistence of Kalenjin ancestral (communal) land claims against those by state-guaranteed individual ownership and title deed.

Let us get back to our line of argument. The World Bank sponsored research focused attention on the relationship between two sets of variables, i.e. security of tenure on the one hand (represented by transfer rights) and credit use and land improvements and or productivity on the other. According to John W. Bruce et al, the relationship between productivity and land rights could be hypothesized along the following continuum:

> "Increased individualization of rights improves the farmer's ability to reap returns from investments on land, which, in turn, leads to a greater demand for land improvements as well as for complementary inputs. Increased individualization of rights may also improve the creditworthiness of the farmer and enhance his chances of receiving formal credit. Both of these demands and supply-side mechanisms interact to increase investments in land and in put use, which, in turn, lead to greater land productivity."[72]

The body of knowledge emanating from this research concluded that the level of formal credit used by farmers is very low in the countries studied, which could be a major indicator of the depressed levels of banking institutions or services in the rural areas. The authors affirm that their research did not find any significant relationship between land rights and credit use. Thus, the weak relationship between land rights and the use of formal credit loans suggests that the possession of full transfer rights or title deed is not, in itself, a significant factor in encouraging farmers to invest more in their land as a prelude to increasing productivity. This finding would render the previous emphasis on

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[72] John W. Bruce, et al. "The Findings and Their Policy Implications: Institutional Adaptation or Replacement" in Bruce, John W. & Shem E. Migot-Adholla Eds. *Searching for Land Tenure Security in Africa*. (Dubuque, Iowa: Kendall/Hunt, 1994), p. 254.

individualization of land ownership and title deed as a prelude to increased investment and hence increased productivity less significant.

While the authors argue that the low credit use by farmers emanates from poor development of formal rural banking institutions and farmer credit services, the findings of this study suggest other possible additional factors. It is true that most farmers in Lugari Division have poor access to farmer credit services, especially given the fact that the nearest regional Agricultural Finance Corporation (AFC) offices are located in Eldoret and Kakamega towns, a substantial distance for the poor smallholder farmers (compounded by poor road transport network). However, it is our contention that most farmers with title deeds hardly use it as a security to borrow monetary loans because of their perceived high risk of losing their land in instances where they failed to service the loans.

Such fears are not unfounded. The rural farming system in Sub-Saharan Africa is amenable to many intervening variables and factors such as unpredictable weather and low producer prices (that result in net losses as rated against high costs of agricultural inputs). In recent times, sporadic ethnic clashes have added to the list of variables. Further, that several smallholder farmers in Lugari Division have witnessed neighbors who took bank loans using their titles as collateral losing their lands to the banks and other lending institutions is lesson enough.

As stated elsewhere in this study, in the absence of security of tenure from customary tenure structures, many smallholder farmers fear endangering the security of their title deed. This is because land is the most vital source of livelihood and socio-economic security. Most families also hold their land in security for the present and future members of their families. Indeed, several oral informants expressed strong reservations regarding using the title deed as collateral for loans.[73] However, in the few cases where farmers have attempted to borrow, they have opted for short-term, annual or seasonal loans. Hardly have they requisitioned long-term investment loans. This suggests that the smallholder farming sector is not benefiting fully from the available farm credit facilities. This calls for further research to find ways of reversing this trend. This is because the apparent dismal presence of formal rural credit services in countries like Kenya reflect the possibility that transformation in land tenure structures towards individual title on its own does not hold all the answers to the development of versatile and dynamic rural farm credit markets.[74]

In addition, the prevalent ethnic conflicts that have resulted in the dispossession of thousands of legitimate title holders in the Rift Valley and along the Rift Valley/Western provinces has raised serious questions as to the government's ability to enforce the legal sanctity of the title deed. That this is due to Kalenjin communal-based ancestral land claims also raises substantive issues in regard to land ownership policy. The fact that the

[73] There was hardly any oral respondent who did not express deep fears of losing one's land through failing to service mortgage loans. Both male and female respondents from all ethnic groups were firmly agreed on this aspect. Among the most emphatic were: Refah Nabutete, OI, 2004; Elika Amakove Lilova, OI, 2004; Isaiah Ondego, OI, 2004; Thomas Munyemi, OI 2004; Patrick Kuria Mwago, OI, 2004; Esther Matunde, OI, 2004 Lena Mmbone, OI, 2004.

[74] John W. Bruce, et al, "The Findings..." 1994, p. 255.

title deed is no longer perceived as a source of tenure security in land in such ethnically contested areas is viciously undermining the principles governing the system of land ownership in Lugari Division and other affected parts of the country. Contemporary research shows that rapid population growth rates, increasing unemployment and the resultant high poverty levels have contributed immensely to the current inter-ethnic conflict over land ownership in the Rift Valley province. Given that these aspects are very crucial in understanding the change in the system of land ownership, it calls for more than a passing mention.

High population growth rates, low levels of agro-technological development, the rise of rural slums and depressed local markets for farm produce have been variedly blamed for the abysmal performance on Africa's economy. However, this demographic-agrarian paradigm is not as simplistic or definitive as it sounds. Indeed, our understanding of the relationship between population growth, agricultural change and economic development has changed dramatically in the last four decades largely as a result of Esther Boserup's work.[75] Boserup's ideas overturned the then conventional wisdom embraced by Malthusian (and Ricardian) schools of thought. Malthus, like Ricardo, believed that when population increased beyond the carrying capacity of a (an agricultural) system "would

[75] Ester Boserup has written and published numerous seminal works including articles, essays, conference papers but her core works are Ester Boserup, *The Conditions of Agricultural Growth: The Economics of Agrarian Change under Population Pressure.* (London: G. Allen & Unwin, 1965); *Population and Technological Change: A Study of Long Term Trends.* (Chicago: University of Chicago Press, 1981); *Woman's Role in Economic Development.* (London: Allen & Unwin, 1970).

sooner or later be arrested by a decline in real incomes, increase in rents, and decline of per capita food consumption."[76]

However, Boserup presented a new and dialectic model in contrast to the Malthus-Ricardian one. She argued that rather than wait to be decimated by these "negative" impacts of population growth, producers adopt new technologies and diversify their agricultural activities to increase productivity. This would take the form of utilizing the increased labor force to cultivate the existing fields more frequently. Second, the farmers would shorten or eliminate fallow periods which would demand more labor and capital inputs in the agricultural system to forestall a drop in crops yields and to provide substitution for the reduced amount of cattle food that was previously obtained from grazing the fallow fields.[77]

Regarding the relationship between population growth and urbanization, Boserup argues that rather than lead to economic decay, these two aspects act as powerful incentives to technological improvements in agriculture, "either by transfer of technology from one region to another, or by inventions in response to the urgent demands for increase of output, either of land, or labor, or both."[78] In sum, Boserup argues that rather than lead to economic decay, decrease in productivity, and so on, population growth provides

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[76] See Esther Boserup's essay, "Agricultural Growth and Population Change" in Boserup, E. *Economic and Demographic Relationships in Development.* (Baltimore/London: The John Hopkins University Press, 1990): p.19.

[77] Ester Boserup, "Agricultural Growth...." 1990, pp.19-20.

[78] Ester Boserup, "Agricultural Growth...." 1990, p. 17; See also Prabhu L. Pingali, and Hans P. Binswanger *Population Density and Agricultural Intensification: A Case study of the Evolution of Technologies in Tropical Agriculture.* World Bank Discussion Paper, Report No. ARU22 (Washington DC: The World Bank/IBRD, 1984).

powerful incentives to technological innovations and improvements and also increases the level of efficiency of labor and productivity per unit of land without a corresponding increase in cultivated land.

As pertains to land tenure, Boserup argues that though the system of tenure varies from one region to the other depending on the cropping frequency, changes in agricultural output may be hampered by the prevailing tenure system if it is not well adapted to the new agricultural system.[79] The difference is seen in the fact that in areas with long fallow periods, individual producers only posses use-rights to the lands they actively cultivate. But the land itself and its resources such as pastures, forestland, watering resources and so on remain communal property. Like in most pre-capitalist African communities, the local chief allocated land to individual cultivators. Thus, the land tenure system also corresponds accordingly to population growth. She argues thus:

> "When frequency of cropping becomes sufficiently high that major permanent investments in land improvement are necessary, a change to private property in land may provide security of tenure to the cultivator, and make it possible for him to obtain credits, if at this stage no change of tenure is made by legal reform a system of private property in land is likely to emerge by unlawful action and gradual change of custom; but in such cases, the occupants, who have no legal rights to the land, may hesitate (or be unable) to make investments, and the land may remain unprotected against erosion and other damage."[80]

This brings us to a brief focus on the second aspect on the intersecting relationship between land ownership, agricultural productivity and security of tenure in Africa. The wide range of indigenous tenure arrangements and administrative institutions in Africa's

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[79] Ester Boserup, "Agricultural Growth...." 1990 p. 19.
[80] Ester Boserup, *Economic Development....* 1990, p. 19.

land tenures systems has often presented researchers with theoretical and analytical challenges. This is especially with regard to the formulation of a comprehensive definition of security of tenure. While modern Eurocentric perspectives conceive security of tenure to be embedded in the registration of individual parcels and the issuance of individual title deed, some African communities still perceive security of tenure in land as defined through their customary inheritance rights within the family structure. The state-issued title deed hence, is an added stake to their claims to given lands.[81] If these aspects are taken on board in regard to the changing system of land ownership, how do the ideas expressed Boserup and the modernization paradigm explain agricultural performance in Africa?

Roughly between 1975 and 1985, a new strain of literature on Africa's agricultural performance began emerging. As alluded to above, the literature progressively skewed its analysis on possible reasons why the continent was lagging behind in development and the plausible reasons behind the persistent food and agrarian crises. To reiterate, two distinctive theoretical expositions emerged from this debate. The first was the contention that Africa's indigenous land tenure systems were a barrier to 'modernization' (read development) and thus the lag in agricultural productivity. Second, lack of security tenure was identified as the other barrier to increased investment in and modernization of agricultural production.[82] Convinced by this argument, these leading bilateral and

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[81] This may sound rather simplistic but it is an extremely poignant aspect because it largely accounts for the persistent claims by the Kalenjin ethnicity for the land in the Rift Valley owned by non-Kalenjin speakers. We will return to this aspect at a later stage in this section.

[82] Several works discuss how African land tenure structures influence investment in land and other on-farm activities. For a brief glimpse of the diverse views, see for instance, Richard Barrows and Michael Roth, "Land Tenure and Investment in African Agriculture: Theory and Evidence." in *Journal of Modern*

multilateral aid organizations began calling for a departure from the smallholder, indigenous, customary land tenure system to large-scale agriculture based on registration, individual ownership and title deed. This, it was argued, was all that was needed to provide security of tenure to farmers, considered a prelude to increased investment in agriculture and improvements on land.[83]

On the other hand, intrigued by the foregoing perspectives, a combined initiative by these aid and research organizations such as Land Tenure Center, and UN agencies like FAO and the World Food Program (WFP) continued showing more interest in investigating the impact of diverse African tenure systems on the continent's agricultural productivity. Throughout the 1980s to the 1990s, these bodies sponsored research to investigate further the significance of security of tenure in agricultural improvements. As mentioned above, the World Bank instituted quantitative studies focusing on security of tenure in several sub-Saharan African countries. At the core of this expanded research focus was the question as to was whether or not customary land tenure systems provided insecure terms, hampered increases in agricultural productivity and thus required replacement.[84] On the other side, the Land Tenure Center research investigated the "extent to which – if

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Studies Vol. 28, No. 2, 1990, pp. 265-297; Angelique Haugerud, "Land Tenure and Agrarian Change in Kenya." in *Africa* Vol. 59, 1989, pp. 61-90; John W. Bruce, *Land Tenure Issues in Project Design and Strategies for Agricultural Development in sub-Saharan Africa.* (Madison, Wis.: Land Tenure Center, University of Wisconsin-Madison, 1985).

[83] See the discussion of these aspects in e.g. Shem E. Migot-Adholla et al. "Security of Tenure and Land Productivity in Kenya" in Bruce, John W. & Shem E. Migot-Adholla eds. *Searching for Land Tenure Security* ... 1994, pp. 119-140.

[84] The apparently inconclusive research findings in relation to the impediments to agricultural development caused by indigenous land ownership institutions became a major concern for economic aid policy makers in Washington DC. For a detailed preview of this phenomenon, see for instance, Shem Migot-Adholla, Peter Hazell, Benoît Blarel and Frank Place "Indigenous Land Rights Systems in Sub-Saharan Africa: A Constraint on Productivity?" in *The World Bank Economic Review*, Vol. 5, No. 1 (Jan., 1991), pp. 155-175.

at all - formal registered tenure provided by the nation-state had in fact delivered greater security of tenure than customary arrangements and if this has in turn stimulated agriculture development."[85]

This expanded WB research revealed diverse systems of land ownership and conceptual issues that needed to be harmonized before arriving at an acceptable operational definition of security of tenure as a 'universal' term for sub-Saharan Africa.[86] The researchers recognized three fundamental elements that cut across the diverse tenure arrangements on the continent. The first one i.e. time (or period) refers to the formal duration of rights. Under this variable, an individual may make decision as to whether to invest in the land or not based on the nature of the productive activity that he wants to carry out and the range of time available on the tenure. This is the situation where the landowner believes that he has "a right to the land for long enough to have an incentive to invest."[87]

Second, the safeguarding and or ensuring one's security of rights to his land emerged as a crucial variable. This element was found to be equally important because in land ownership matters, it does not matter how long one's rights to land may be assured if such rights can be dissolved or arbitrarily (over-ridden) by competing claims from other individuals, organizations or even the state itself! The last element is the extent of rights or what the team referred to as "robustness of rights." This entails the actual or

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[85] See John W. Bruce, et al. "The Findings and ...." 1994 p.252.
[86] This is pointed out by J. W. Bruce, et al. "The Findings and their Implications...1994, p.252.
[87] For further discussion, see J. W. Bruce, et al "The Findings and their Implications....1994, p.252.

absoluteness of one's rights to the land. This determines the extent to which the rights allow the owner of the land to make usufruct decisions about the land freely, lease it or sell it freely without interference from the state, community or family members. In essence, the extent of "robustness" of such rights to land can be perceived as depicting a higher level of security of tenure. This is because in reality all the cases where tenure arrangements afforded one the full rights and powers to dispose of the land without any interference (also) meant that one could use it or lease it without barriers.

A greater portion of the World Bank funded literature on this theme emphasizes the individual registration over indigenous tenure arrangements. Several countries in the study including Kenya returned high levels of registration and individual title especially in the state-sponsored settlement schemes. Unfortunately, the anticipated economic breakthrough from the issuance of individual titles has not been forthcoming for much of Africa. In spite of the expected agricultural breakthrough supposedly emanating from individualization of land ownership, research carried out over the land two decades does not demonstrate any significant correlation between land registration/individual titling on the one hand and increased agricultural production on the other. For instance, studies by John W. Bruce,[88] Carol W. Dickerman et al.[89] and Richard Barrows and Michael Roth[90] shows that land registration programs and individualized titling in themselves, did not automatically lead to increased tenure security and production.

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[88] John W. Bruce, *Land Tenure Issues in Project Design and Strategies for Agricultural Development in sub-Saharan Africa.* (Madison, Wis.: Land Tenure Center, University of Wisconsin-Madison, 1985).

[89] Carol W. Dickerman, with Grenville Barnes et al. "Security of Tenure and Land Registration in Africa: Literature Review and Synthesis." *Land Tenure Center Paper No. 137.* (Madison: Land Tenure Center, University of Wisconsin, 1989).

[90] Richard Barrows, & Michael Roth, "Land Tenure and Investment in African Agriculture: Theory and Evidence." *Journal of Modern African Studies* Vol. 28, 1990, pp. 265-297.

With regard to our area of study, case studies of the A Million-Acre Settlement schemes such as Lumakanda, Lugari and Mautuma reveal that the issuance of the title deed has empowered individual owners to sub-divide and sell off portions of their land rather than being used as collateral for credit for investment. It is true that individual title has made it much easier to sell off portions of household land given that such decisions no longer call for mandatory family approval, as the case would be under customary arrangements. Market-based approaches applaud this scenario but many smallholder policy specialists have argued against an open-ended situation whereby prime farmland is sold without any controls. Thus, there is much more to the relationship between African customary land tenure systems and security of tenure than hitherto acknowledged. This is because different African land ownership systems tend to respond differently to registration and individual titling under different circumstances for different reasons.[91]

In response to the findings, John W. Bruce et al. acknowledge that in some cases customary tenure does provide weak security of tenure but the inverse is not always true. The research revealed significant relationship between diverse forms of tenure and levels of security of tenure. For instance, it was found out that in some cases where indigenous tenure system still persists communities in countries such as Ghana, Senegal, Rwanda and Uganda there was a high variation in the extent of transfer rights. Two major factors were identified as precipitators of transfer rights i.e. commercialization and population

[91] There is no adequate space to engage this debate here. However, for a good reading see Angelique Haugerude, "Land Tenure and Agrarian Change in Kenya." in *Africa* Vol. 59, 1989, pp. 61-90; H. W. O. Okoth-Ogendo, "Some Issues of Theory in the Study of Tenure Relations in African Agriculture." in *Africa* Vol. 59, 1989, pp. 6-17; Frank, Place, Michael Roth and Peter Hazell, "Land Tenure Security and Agricultural Performance in Africa: Overview of Research Methodology" in John W. Bruce, & Shem E. Migot-Adholla eds. *Searching for Land Tenure Security* ....1994, pp. 15-39.

pressure. We will present a very brief overview of these findings since they are partially periphery to the core of our study objectives.

In the case of Ghana, the findings indicated a strong correlation between population pressure and the progressive transition towards a complete transfer of use and alienation rights in land in the three case study regions of Anloga, Wassa and Ejura. Though these three regions possess more or less the same degree of commercialization, it is only Anloga that also experiences a high population pressure. When the data on land held under permanent terms was considered in the light of transfer of rights, it emerged that 82.5% of the parcels in the Ejura were completely alienated compared to 76.7% in Anloga and 70.3% in Wassa.[92] However, these figures do not tell the whole story because they hide very fundamental aspects of security of tenure embedded in indigenous values and land use practices. For example if the aspect of necessity for approval is factored in the transfer process, the resulting implications change significantly. To cite the authors:

> "The proportion of permanently held parcels that may be sold without approval is much higher in Anloga (62.7%) than in either Wassa (14.7%) or Ejura (9.0%). If the ability to transfer land without approval is indeed the paramount measure of the individualization of land rights, the Ghanaian data strongly support the notion that increased population pressure results in greater privatization of land rights" [93]

In addition, Rwanda also presented supporting data with regard to the correlation between commercialization and privatization of land rights. For instance, though the three regions of Ruhengei, Butare and Gitarama have high population density,

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[92] J. W. Bruce and Migot-Adholla Eds. *Searching for Land Tenure Security*.....1994, pp.253-254.
[93] J. W. Bruce and Migot-Adholla Eds. *Searching for Land Tenure Security*.....1994, p.253.

commercialization is highest in Ruhengei and least in Butare. The research findings show that that 81.5% of the permanently held parcels are those over which the present owners hold "complete transfer" rights. This is contrasted to the figures of 57.6% for Gitarama and 46.7% for Butare. Like the case of Anloga in Ghana above, if the approval-to-sell variable is applied in the country, the region of Butare returned the smallest proportions of freely saleable parcels. Therefore, it can be observed that higher levels of commercialization tend to speed up the privatization or more accurately, individualization of land rights, a fact that had been previously noted by S. E. Migot-Adholla et al.[94]

In Senegal, the studies revealed new patterns in the system of land ownership in relation to the state-sponsored regulations under the Law of Domain. Long perceived as a drawback to improved land utilization, the law abolished tenancy and allowed tenants to claim legal rights to the lands they had farmed as tenants. This new law, while highly favoring tenants and giving them more security of tenure, did exactly the opposite to the landowners! For instance, the law was disregarded by many tenants who opted to remain under the tenancy arrangements instead of laying claims of ownership under the new law.

Such farmers opted to maintain their familiar customary tenure relations and arrangements instead of turning foe against landowners from whom they were supposed to claim rights under the new law. Such are the limitations of certain state-sponsored tenure reforms programs in Africa aimed at the changer-over from the customary to

[94] Frank Place and Shem E. Migot-Adholla, "The Economic Effects of Land Registration on Smallholder Farms in Kenya: Evidence from Nyeri and Kakamega Districts" *Land Economics*, Vol. 74, No. 3 (Aug., 1998), pp. 360-373.

individual registration and title deed. Thus, as pointed out in the case of our smallholder farmers in Lugari Division, the issuance of titles by the state is not always a source of tenure security. Other intervening factors could turn this around and make it a source of insecurity as happened in Senegal.

In a similar context, many freehold land title deed holders in Uganda do not view such titles as providing adequate security of tenure. It is possible for such holders to lose their land rights through eviction because President Yoweri Museveni's government passed new legislation changing their status from freehold titleholders to leaseholders from the State! This radical transformation in tenure structures has in essence, exposed thousands of previously secure tenure holders to high risks of being evicted from what have now become state lands![95] This implies that individualized titling and registration are not, in themselves, portent sources of security of tenure in most of Africa's rural smallholder farming communities. As noted by the author, "registration under a weak tenure from the state does not provide meaningful security and may, in fact, decrease security of tenure."[96]

As can be discerned from the foregoing literature, state sponsored policies and programs in land registration and the issuance of individual titles have been successful in changing the system of land ownership in most of rural Africa. However, such programs have not been without certain fundamental ramifications and shortcomings. This is due to the fact that such programs in some of Africa's politically and socio-economically stressed nation

[95] John W. Bruce, et al. "The Findings and Their Implications...1994, p.257.
[96] John W. Bruce, et al. "The Findings and Their Implications...1994, p.257.

states such as Kenya, Ivory Coast, Zimbabwe, Nigeria and Ethiopia have been used by those in power to gain undue political mileage and loyalty. This is largely because leaders such as Kenya's ex-president Moi used such programs to re-allocate land to favored individuals, groups, ethnicities and or political classes.

For instance, in Turbo Township in Lugari Division, President Moi reversed the previous government decision to allocate the former Manzini government Forestland to the local squatters and instead allocated it to his native Keiyo Marakwet people drawn all the way from the distant Keiyo-Marakwet District over 100 miles away! Such practices have often culminated in systematically denying the deserving groups access to land as a basic economic factor of production and reproduction. In addition to impacting negatively on the government's role in distributing and allocating land fairly, the practices also have serious implications with regard to developing a robust national policy on land ownership.

This also points to another aspect of registration and individual tiling in the form of state corruption in land allocation. As has been clearly evident in Kenya and several other African countries such as Zimbabwe, the centralization of land allocation powers in the hands of the state under powerful and often dictatorial presidency has not augured well for rural land reforms.[97] For instance, as pressure mounted on Kenya's ex-president

[97] Most research has focused on smallholder land ownership and agricultural reform in Kenya. See for instance, Thomas Smucker, "Land Tenure Reform and Changes in Land Use and Land Management in Semi-Arid Tharaka, Kenya." *LUCID Paper Series* Number: 11 2002 ILRI/MSU Board of Trustees and UHCP, 2002; Transparency International – Kenya Chapter 'Land Rights for Poor People Key to Poverty Reduction, Growth – World Bank Report', in *ADILI, A News Service from Transparency International* –

Daniel arap Moi to open up the country's political space in the runner-up to the adoption of multi-party politics in 1990, he resorted to using state or public land and government administrative offices to buy out opponents and bribe supporters. President Moi dissolved and subdivided state research farms and allocated the land to his political cohorts. This is how some of Kenya's leading top-of-the-range research farms such as the National Agricultural Research Station (NARS) farms in Kitale/Trans Nzoia and Njoro/Nakuru districts which had some of the best dairy and beef cattle, wool sheep, pigs and grain production on the continent were sub-divided up and allocated to political favorites.

Further the current literature on the effectiveness of registration and individual titling reveals a serious situation with regard to land ownership and security of tenure. For instance, landholding data revealed by this research shows that there are hundreds of individuals with tiny parcels of land measuring fractions or points of an acre in Lugari Division and whose ownership particulars do not appear in the District, Provincial or National Land Registry records. In such instances, the original plot owners have sold out portions of their land in tiny patches but this information neither appears in the District Land Registry records in Lugari District nor in the provincial ones in Kakamega.[98] Since the law does not provide for the sub-division of such farmland below 2.5 ha, these

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Kenya Vol. 40, July 14 2003; Camilla Toulmin and Julian Quan eds. *Evolving Land Rights, Policy and Tenure in Africa.* (London: DFID/IED/NRI, March 2000).

[98] In fact these plots that were once flourishing farming enterprises, have been reduced to slums as hundreds of new land owners here scramble to build their residential houses and other structures on their tiny portions of land!

farmers are content to claim ownership by virtue of the hand-written land-sale agreements only!

This also attests to the observation by several scholars that systematic registration programs are often followed by prevalent instances where land transfers and successions are not registered with the relevant government authority. The accuracy of land ownership registry records is lost as the position on the ground gradually diverges from that on the register. Bruce, John W. et al. observe thus:

> "Most small holders even after registration, do not do the things with their land that registration seeks to empower them to do, such as selling or mortgaging their land without consulting family and neighbors. The exercise of those powers would contravene important cultural norms, norms that were reflected in the indigenous tenure systems....Those norms are likely to be transformed as a result of increasing population pressure and commercialization of agriculture. It is clear that we cannot legislate them out of existence, even where the legal reforms is followed up with a costly and extensive field procedure such as systematic cadastral survey and registration."[99]

Evidently therefore, from the 1960s onwards, the African customary systems of land ownership have been undergoing fundamental evolutionary change. This change has witnessed the rapid adoption of exclusive rights to land and its resources. This process has been influenced heavily by the adoption of statutory land law in addition to other social, economic, demographic and political factors.[100] These research outcomes are very significant in the current efforts to improve security of tenure in land, agricultural

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[99] J. W. Bruce, et al. "The Findings and their Policy Implications...." 1994, p. 261.

[100] Shem E. Migot-Adholla, & John W. Bruce (eds).....1994; Kathryn Firmin-Sellers, and Patrick Sellers. "Expected Failures and Unexpected Successes of Land Titling in Africa." *World Development* 27: (1999), 1115-1128.; Anne K. Fleuret, "Some Consequences of Tenure and Agrarian Reform in Taita, Kenya." in. R. E. Downs and S. P. Reyna (eds.) *Land and Society in Contemporary Africa.* (Hanover: University Press of New England, 1988), pp.136-158.

production, food security and the reduction of rural poverty in Lugari Division in particular and rural smallholder Africa as a whole. These outcomes are significant because they point to an important likelihood that the way Western economic development paradigms perceive tenure security in land in relationship to investment and improvement of farming technology in Africa compared to the experience in Western Europe and North America may not be the same. Second, as Smucker observes, they also point to a possibility that "the individualization of land tenure may contribute to an aspect of security without fully encompassing the means by which rural households establish security of resource access within local social relations."[101] Altogether, these aspects help in delineating the research agenda for this study.

1.6 Research Questions and Substantive foci

This research focuses on the following guiding questions:

(a) What system of land ownership existed in the present Lugari Division during the pre-colonial and colonial periods?

(b) What are the changes that have occurred in the system of land ownership in the present Lugari Division between 1880 and 2000?

(c) How has an open market in land affected the system of land ownership and inter-ethnic relations in Lugari Division?

(d) To what extent has individual titling engendered increased subdivision and sale of household land in Lugari Division?

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[101] Thomas Smucker, 2002 op. cit. p.1.

(e) What are the socio-economic effects of the changes that have occurred in the system of land ownership in Lugari Division?

1.7 Period of Study 1880-2000

Initially, at its conceptualization this study was projected to cover the period between 1945 and 2000. This time period was rationalized on the fact that 1945 marks the time when the initial radical policy to improve agriculture in African Reserve areas was conceived under the African Land Development Program (ALDEV, 1946-1962) while the year 2000 was considered an appropriate time point to end the analysis because this was when the effects of the 1992-97 ethnic clashes that disrupted land ownership patterns and their socio-economic effects in the division could be qualitatively and quantitatively documented.

However, as the initial process of data collection progressed, it became increasingly necessary for the starting period to be pushed back to the earlier historical period. This was necessitated by the fact that though the ALDEV period marked an important watershed in the system of land ownership (not only in Lugari Division but for most of rural Kenya), this was not the first time that changes in land ownership matters had been attempted in African areas. This is because the predecessor programs to ALDEV under the auspices of various ordinances had been implemented variedly in the 1930s. For instance, prior to ALDEV, several initiatives to investigate and change the system of land ownership in African Reserves had been undertaken in 1930 by the Land Tenure Committee and by the 1933 Carter Land Commission. To some extent, the initial efforts in this context entailed the consolidation of African fragmented holdings followed by the

issuance of holder certificates and later, title deeds. This process changed a fundamental aspect of the system of land ownership in Lugari Division. However, in terms of historical analysis and periodization, the description of the changes in land ownership excluding this preceding period that had initially set to begin from 1945 onwards seemed to lack a firm foundation! The process of change needed a firm point of departure, there having lacked a preceding exposition of the pre-existing system of land ownership upon which the new changes were being analytically grafted.

Further, when asked about the changes that occurred in land ownership from 1945 onwards, most oral respondents kept on going back to the late pre-colonial period (1890's-1900's) to begin their narrative. It was clear that the oral sources did not perceive 1945 as the principal watershed as regards land ownership matters.[102] This accounts for the predisposition by oral respondents to go back to the late pre-colonial period to begin their description of the indigenous system of land ownership, the changes that colonial land alienation and the subsequent reform programs aimed at improving African agriculture such as ALDEV. Thus, it became necessary that the researcher adjust the period of this study to incorporate these fundamental aspects of land ownership from the late pre-colonial to the first phase (1904-1945) and last phase (1945-1963) of the colonial periods. This new study period provided a concise starting point to effectively analyze the trajectory of the changes in the system of land ownership in Lugari Division between 1880 and 2000. This period thus begins when land ownership was still based on

[102] David Anderson and David Throup "Africans and Agricultural Production in Colonial Kenya: The Myth of the War as a Watershed" *The Journal of African History*, Vol. 26, No. 4, World War II and Africa (1985), pp. 327-345.

indigenous tenure structures through colonial land alienation, the post World War II land reforms to the post-independence land settlement program.

1.8 Objectives of the Study

The objectives of this research are as follows:

(a) To investigate the system of land ownership in present Lugari Division between 1880 and 2000.

(b) To discuss the socio-economic effects of the changes that have occurred in the system of land ownership in the present Lugari Division between 1880 and 2000.

(c) To assess the effect of an open market in land on the sale of household land and landholding patterns in Lugari Division.

(d) To discuss the effect of individual titling on security of tenure in household land in Lugari Division.

(e) To assess the impact of a free market in land on inter-ethnic relations in Lugari Division.

1.9 Research Premises:

The following research premises were applied as an analytical guide in this study:

(a) Individual titling and the sale of household farmland have affected the system of land ownership in Lugari District resulting in the reduction of farmland.

(b) The free market in land and the sale of land to buyers from other ethnic groups has generated inter-ethnic hostilities over land ownership.

(c) The sale of household land has impacted negatively on the socio-economic capacity and the living standards of the households.

(d) Reform in land ownership policy is required to ensure the democratization of decision-making regarding land ownership, appropriation, and security of tenure in land.

1.10 Data Collection and Research Methodology

This research relied on both primary and secondary sources of data. The project collected data from the following principal sources: Michigan State University Libraries (MSU Libraries); The Kenya National Archives (KNA); The International Livestock Research Institute (ILRI); the Central Bureau of Statistics (CBS) Nairobi; The Ministry of Agriculture and Livestock Development, Nairobi; The Ministry of Lands and Settlement offices (Ardhi House) in Nairobi. A structured questionnaire was used to collect data from oral interviews.

The principal primary sources of data encompassed oral interviews and archival records. As regards oral interviews, initially, this research had scheduled to interview 100 oral informants on the specific aspects of the changing system of land ownership and the socio-economic effects. However, during the first phase of the research between September and December 2004, only 60 respondents were interviewed satisfactorily while several interviews remained incomplete. This necessitated a second visit to the field from September 2005 March 2006 to complete the data collection exercise. During the first phase of data collection too, oral interviews did not proceed uniformly in all locations due to government bureaucratic delays and local logistical variables. Further,

the study sought to find out the role of governmental and Non-governmental or private sector agencies in resolving issues pertaining to conflicts and concerns over land and the pricing of agricultural inputs respectively.

Generally, the data collection exercise from the archives, ILRI and the CBS was satisfactory but it was extremely difficult to access the material on the A Million-Acre Settlement Scheme records at the Ministry of Lands and Settlement. Among the information sought by this study were the original lists of settlers in the settlement schemes in the Division and the individual plot acreage. Despite persistent earnest requests, access to this material was repeatedly denied. The ministry officials cited a government ban on these records in the light of investigations by the Akiwumi, Njonjo and Ndungu Land Inquiry Commissions that revealed high-level corruption with regard to the allocation of public land in the country.[103]

At the conclusion of the first phase of fieldwork and in the light of various claims by oral respondents, it became necessary to revisit certain archival sources relating to land allocation, ownership and appropriation during the colonial period at the Kenya National Archives in Nairobi. This included the colonial administration records on aspects such as the African land tenure system in the then African Native Reserve of North Kavirondo (which included the present Lugari Division in Lugari District); African demands for land; the colonial administration's attempts to resolve African land shortage; inter-

[103] These Commissions of Inquiry implicated high-ranking government officials in the illegal land allocation. As a result, most of the records at the lands Office were kept out of reach of the public pending any possible criminal investigation. This research was able to access some of the basic data on the Million-Acre Settlement Scheme program though late into fieldwork.

clan/ethnic land claims; and any relevant information on indigenous Luhya land tenure system.

Secondary sources for this project included books, journal articles, government publications, and Research Reports by organizations such as the Kenya Land Alliance (KLA)[104], LANDNET East Africa, and AFRICA LANDNET among others. The resource center and library in the Department of Agricultural Economics at Michigan State University also provided useful data on rural household surveys. Other sources included newspaper reports, Government Commissioned Reports, and World Bank publications.

1.11 Justification of this Study:

The overall social and economic conditions of the smallholder farmers in rural Kenya like the rest of sub-Saharan Africa have been on the decline due to decline in farm incomes and rising costs of agricultural production. Poor producer prices, marketing hardships, lack of farm credit and other economic conditions have partly pushed farmers to subdivide and sell off more and more portions of their smallholder plots of land in the settlement schemes in our area of study. Coupled with this has been the increasing incidence of rural unrest as manifested in competing claims for land between different ethnic and interest groups. The use of violence to displace unwanted immigrant ethnic

[104] During the last two decades or so, many non-governmental organizations have mushroomed to fight for land rights and land policy reform. The Kenya Land Alliance (KLA) for instance, was formed in 1999 to provide a focal point for information and networking among those pressing for land reform in Kenya. It was formed by members of the civil society to propose reforms both to the Commission on the Review of Land Laws, appointed by the President, and the Constitution of Kenya Review Commission appointed by Parliament. See KLA 'Land, Environment and Natural Resources...' p. 1.

groups in some parts of the Rift Valley in Kenya claimed by other groups has dealt a severe blow to the hitherto sanctity of the title deed as the vital component of security of tenure in land. That the possession of title to land no longer offers the supposed security of tenure and proof of ownership that is supposed to encourage and facilitate higher investment in land to improve agricultural production spells serious reversals in rural stability. Certainly, the trajectory of the current economic conditions in the affected rural areas does not augur well for the attainment of sustainable economic growth, peace and inter-ethnic co-existence.

Given the foregoing therefore, this study is justified on the following grounds:

(a) Land Ownership Policy Making: The findings and recommendations from this study should contribute immensely to the on-going process of land ownership policy-making and reform in Kenya. This is with regard to resolving the question of security of tenure in land and also the tensions and conflicts over inter-ethnic land claims.[105] Thus, this study complements the on-going work being done by various Non-governmental organizations (NGOs) such as the Kenya Land Alliance, the Law Society of Kenya (LSK), and LANDNET East Africa on reforming land policy in Kenya. Intermittent inter-ethnic violence over land in other parts of Kenya such as Burnt Forest, Mt. Elgon, Molo, Likia in Nakuru District; the Pokot/Marakwet/Turkana axis in the north Rift Valley; and the

[105] In 1999, the former President of Kenya, Daniel T. Moi appointed the Njonjo Land Commission to investigate matters relating to land ownership and recommend ways to resolve the rising tension over land. The Commission submitted its Report to the government in July 2003 and currently, it is the subject of a review committee appointed by the President. In July 2003, the new Head of State, Mwai Kibaki appointed a Presidential Land Commission of Inquiry to assist the State in repossessing all public land that was irregularly allocated. This land belonged to the national research bodies such as the Kenya Agricultural Research Institute (KARI) and the Agricultural Development Corporation (ADC). The Ministry of Lands also set up a Committee to study the Njonjo Commission Report and advise the government on what steps to take in that regard.

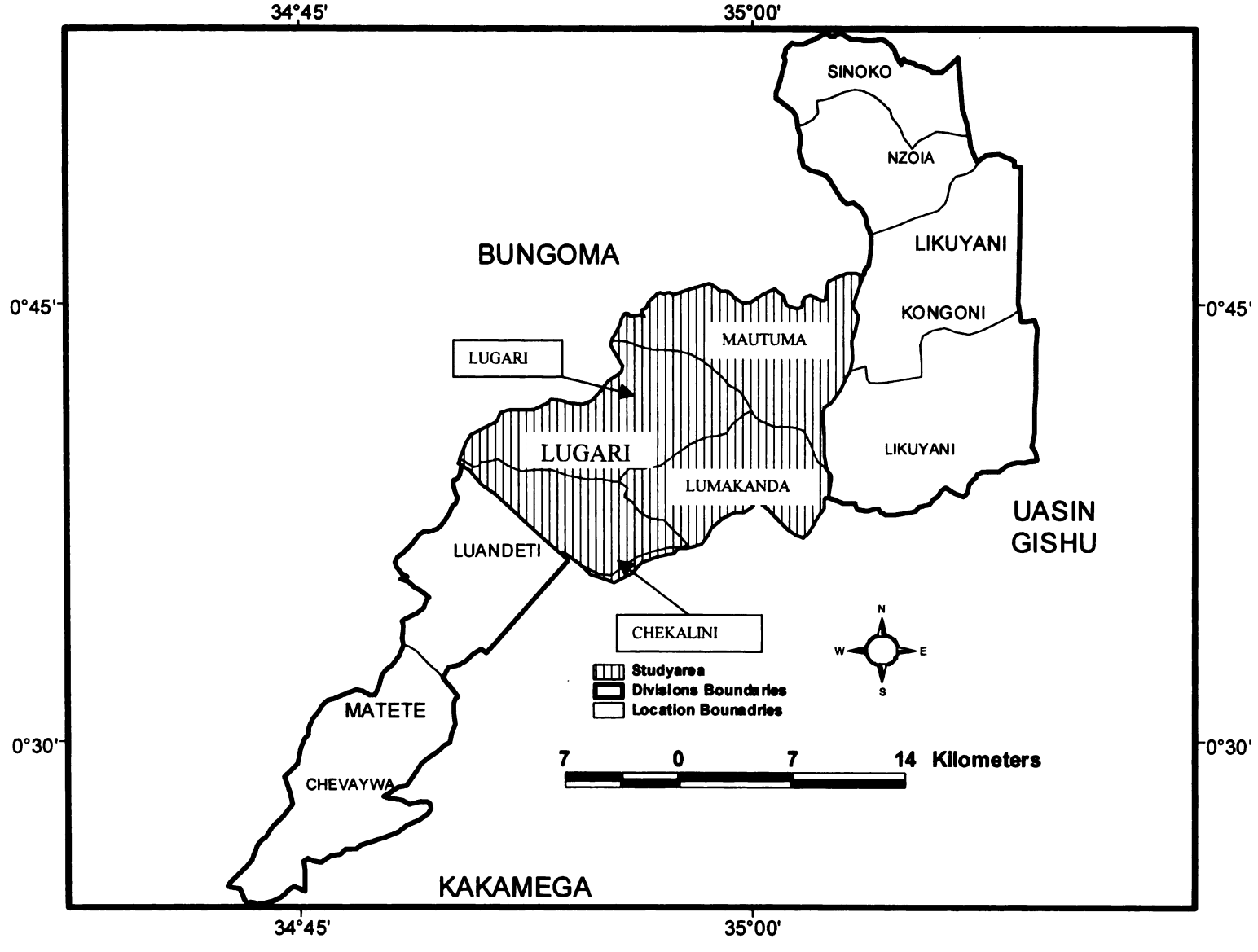
Kisii/Gucha District boundaries between the Maasai and Kisii people, reflects the critical role that such research endeavors can play in helping find policy solutions that can forestall the question of land exploding into a massive rural catastrophe in Kenya.

(b) Rural Development and Food Security: This study provides useful data depicting the impact of uncontrolled land sales on rural development and socio-economic security in Lugari Division that can be applied to the District as a whole and to the rest of the country. The current data on household landholding capacity points to an urgent need to put some control to prevent such hitherto flourishing smallholder farming areas from deteriorating into rural slums. Land inheritance patterns and the unchecked sale of household farmland encourage continuous subdivision of family lands precipitating serious land shortages. This trend will in turn lead to increasing levels of food shortages, landlessness, and poverty as households fail to meet their economic and social needs previously realized from on-farm activities. Dependence on the open food market for the provision of staple foodstuffs needed by households has proven unreliable due to distortions in the local and national food markets and lack of adequate financial means within households to purchase adequate foodstuffs. Declining levels in food sufficiency have the potential of culminating in famine conditions, hence the need for a more versatile land ownership policy that can underwrite a more resilient national food policy.

(c) Peace Making and Conflict Prevention: By focusing on the changes that have occurred in the system of land ownership in Lugari Division, this study contributes significantly to the understanding of the root causes of the past and contemporary conflicts within households over land ownership. It also sheds light on the underlying

tensions and schisms fanning inter-ethnic hostilities over land ownership. This historical knowledge is important in developing mechanisms of conflict prevention and resolution over land ownership issues in such rural areas of Kenya. As demonstrated in the sections on post-independence land ownership patterns and the role of politics and power relations in fanning the recent ethnic conflicts, it is pertinent that the state addresses both local and national strains in access to land along sectional lines. Indeed, the key to avoiding another civil strife over such contested rights over land as witnessed in the past in Nigeria, Rwanda and Zimbabwe lies in carrying out such exercises.

(d) Democratizing Land Ownership and Appropriation Procedures: This research demonstrates that there is urgent need to democratize the process of decision-making with regard to land ownership and appropriation not only at the household and inter-ethnic levels but also at the national level too. This is because the question as to who should own land in Kenya, where and how much; or who should be allocated individual land hived off from state land has been deeply shrouded in mystery and mutual suspicion. The allocation of such land to supposed landless households and squatter families in Lugari District (especially in places such as Mautuma Central or "Scheme Mpya") has elicited a lot of inter-ethnic tension. This does not augur well for the attainment of rural security, inter-ethnic peace, stability and rapid economic development. Thus, it is time the state opened up the process of land allocation to demystify it. Such a step will contribute immensely to the reduction in land-related conflicts at both levels. The suggestions and recommendations presented by this study are a timely step in the right direction.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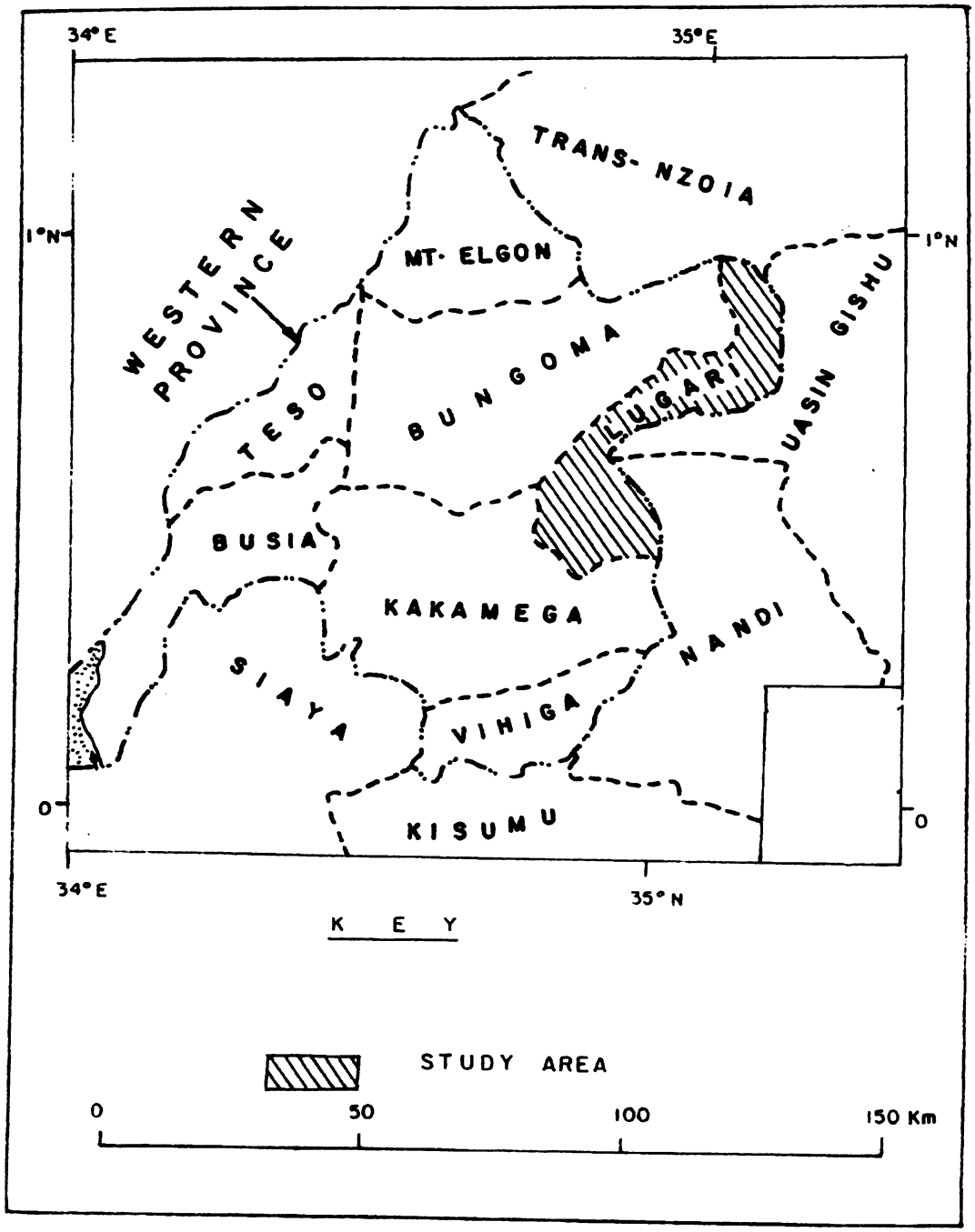

Figure 2: Map Showing the Location of Lugari District in Western Kenya

CHAPTER TWO

2.0 The System of Land Ownership in the present Lugari Division during the Pre-colonial Period, 1880-1904

2.1 Introduction

During the pre-colonial period, the area covered by Lugari Division in the present Lugari District lay in a tripartite geo-cultural intersection between various ethnic groups. These were the cattle-keeping Nandi, the various sections of the pastoralist Maasai, and the sedentary Luhya sub-groups of the Kabras, Tachoni, Isukha and Tiriki. Beyond the Maasai and Nandi were the Kipsigis, the Keiyo (Elgeyo), and the Marakwet (See Figure 3 below). However, the most geographically adjacent groups within the present parameters of the district were the Uasin Gishu Maasai, the Nandi and the Kabras. The Kabras were militarily weaker compared to the Maasai and Nandi and thus they were perennially kept out of the main contention for the lucrative pastures and fertile soils of the Uasin Gishu plateau.

This chapter begins with an introduction to the geographical setting of the area of study and the historical background to the peopling of this region. A brief discussion of the territorial wars between different ethnic groups for the control of Uasin Gishu plateau and the adjacent plains is presented. The military contests covered in this discussion fall within the last two decades of the pre-colonial period. This discussion is important to this study because it gives the necessary historical background to the understanding of the cumulative changes in the system of land ownership. This refers to colonial land alienation and ownership policies; the post-independence land settlement programs, and

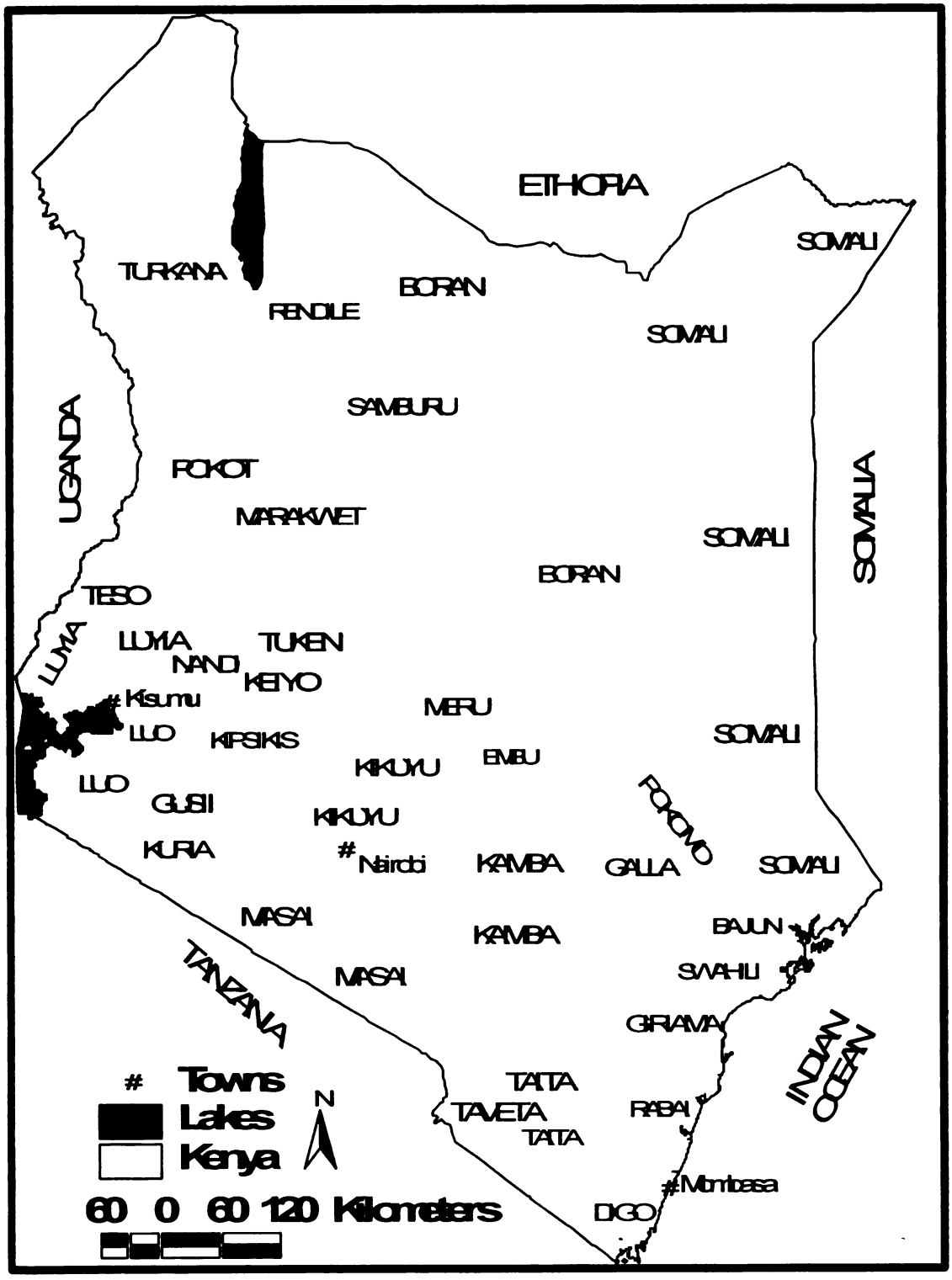

Figure 3: Map showing the location of ethnic groups in Kenya.

the contemporary inter-ethnic conflicts over land. It is extremely important to note the fact that pre-colonial land ownership patterns have been persistently used by some ethnic groups in Kenya to justify their claims to certain lands especially in the Rift Valley. This is partly what funneled the ethnic conflicts that affected this area and other parts of the Rift Valley in 1991-97 and have continued intermittently to date. The violent expulsion of non-Kalenjin land owners from the affected areas of the Rift Valley province has precipitated the current deep concern over the emasculation of the title deed as the legal basis of security of tenure in land as embedded in individual ownership.[1] These aspects are crucial because they have a direct bearing on the system of land ownership in our area of study and on land tenure policy formulation at the national level.

As noted above, Lugari Division is one of the three administrative units that comprise the larger Lugari District in the Western province of Kenya. The district is a new one, having been hived off the previous expansive Kakamega District in 1998. In terms of geographical setting, Lugari district is located in the northeastern most part of Kakamega District and borders the southwestern fringes of the western limits of Uasin Gishu district of the expansive Rift Valley province. To the southeast of the district is Nandi District while to the west and southwest is Bungoma District occupied by the Luhya sub-ethnic group of the Bukusu. To the north, the district borders the northwestern borderlands of the Uasin Gishu District (See Figure 2).

[1] To date, the non-Kalenjin speakers violently dislocated during these clashes have never been able to return to their lands. The Kalenjin remain adamant, insisting that these lands traditionally belong to them because their ancestors occupied them before the colonial government alienated them.

The area covered by Lugari District extending to the large mass of land between River Nzoia in the south west to the Elgeyo Escarpment to the east, the Nandi hills to the south, the eastern slopes of Mt. Elgon to the west and the Cherangani hills to the north formed a strategic land mass comprising of the fertile and lucrative pastoral Uasin Gishu plateau. To the north were the equally valuable Trans Nzoia plains. To the south, were the coveted well-watered undulating hills and plains occupied by the Nandi and Kipsigis people extending southwards to the River Nyando plains. The northern pasturelands decreased in grassland and vegetation cover, gradually receding into the semi-desert vegetation of Pokot and Turkana areas beyond the Cherangani Hills. This strategic land mass attracted the interest of many communities who coveted its fertile soils and rich, year-round pastures. As can be seen from the foregoing discussion, therefore, Lugari Division is surrounded by the rich pasture and farmlands that have been at the center of inter-ethnic contestation for many years.

Given its historical interaction with and proximity to these two larger lucrative regions, Lugari District and its immediate surroundings have had a very dynamic political and socio-economic history. The region's socio-economic characteristics and political configuration have not evolved in isolation. In fact, they have been deeply influenced by its historical linkage to the wider events of the expansive mixed farming region covering Uasin Gishu plateau, Trans Nzoia district and the larger North Nyanza region. For instance, ethnically, the district has a diverse population comprising of the Abaluyia[2] sub-groups of the Kabras, Maragoli, Bukusu, Idakho, Isukha and Tiriki. Similarly the

[2] The term 'Abaluyia' will be used in this study interchangeably with 'Luhya', 'Luyia' and 'Abaluhya.' The terms refer the Abaluyia people as an ethnic group and their respective linguistic and cultural identity.

Kalenjin[3] sub-groups of the Nandi, Kipsigis and a handful of Keiyo and Marakwet speakers can be found here. In addition, the district has a substantial population of immigrant ethnic groups such as the Kikuyu from Central Province, the Kisii and Luo from Nyanza and the Kamba from the Northeastern provinces. This diversity reflects the historical demographic interaction between the communities from Nyanza, Central, Northeastern, Rift Valley and Western provinces.

The large mix of ethnic groups in this region entails part of the dynamic and complex inter-cultural developments and changes that have been going on for many years. This diversity emanates from the fact that throughout the period between 1750 and 1850, this strategic and prosperous farming region was a continuous arena of inter-group contestation for occupation. Well endowed with fertile soils, year-round rich pastures and abundant rainfall, this plateau region was fiercely contested over by the various segments of the Maasai speakers, the Nandi, "Sirikwa"[4], and to a negligible extent, the Kipsigis.

Comparatively weaker and less militarized than the Maasai and Nandi groups, the Kabras and Tachoni sub-groups of the Luhya speakers remained on the periphery of this

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[3] The term 'Kalenjin' refers to a group of related Nilotic language speakers. The 8 principal Kalenjin speakers are Keiyo, Kipsigis (also known by their old name, Lumbwa), Marakwet, Nandi, Okiek, Pokot, Sabaot, and Tugen. At times, the Terik are classified together with the Kalenjin though they are best known as one of the Abaluyia groups. See Regina Smith Oboler, *Women, Power and Economic Change: The Nandi of Kenya.* (Stanford, CA: Stanford University Press, 1985), p. 17; Benjamin Kipkorir, *People of the Rift Valley: Kalenjin.* (Nairobi: Evans Brothers, 1985), pp.1-3. Also, the Sebei of Uganda who live on the southwestern slopes of Mt. Elgon next to the Gishu are at times grouped together with the Kalenjin. See Walter Goldschmidt *Culture and Behavior of the Sebei: A Study in Continuity and Adaptation.* (Berkeley: University of California Press, 1976).

[4] The Sirikwa who are believed to be extinct by now were a small sub-section of the Kalenjin speakers who occupied at varying times sections of the Uasin Gishu plateau and the neighboring plains. See e.g. J. E. G. Sutton, "The Kipsigis" in B. A. Ogot (ed.) *Kenya Before 1800.* (Nairobi: EAEP, 1976), pp. 48-51); Henry A. Mwanzi, *A History of the Kipsigis.* (Nairobi: EAPH, 1976), pp. 68-70.

territorial power struggle[5]. Thus, while the control of these strategic plains interchanged hands variedly between the various sections of the Maasai and the Nandi, at no time did any one of these two Luhya sub-groups take control. However, the aforementioned Kalenjin and Maasai groups were not the only antagonists competing for these lucrative plain lands. On some occasions too when faced with declining pastures or after being displaced by the Karamojong pastoralists from the present day eastern region of Uganda, the Sabaot and Bongomek of Mt. Elgon slopes also enjoined in the contest for the pastures lying across the present Trans Nzoia-Uasin Gishu belt along the eastern borderline between Bungoma and Lugari districts. At this stage, we should hasten to add that just like in the rest of the Rift Valley, the Sabaot and Bongomek Kalenjin sub-groups have persistently used their historical occupation of these areas to claim ownership. But theirs were brief excursions meant to seek temporary grazing relief for their livestock.

Let us briefly focus on the latter phase of these struggles in order to place this historical phenomenon within the wider context of how land ownership has changed in this area; the changes in the system of land ownership and the resulting contemporary claims to land by the Kalenjin. This analysis is crucial in understanding the centrality and persistence of the so-called ancestral claims to land within the ambit of the changing system of land ownership in Lugari Division today.

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[5] For a general overview of the peopling of the present day Kabras area and Luyialand (Luhyaland) in relationship to their Kalenjin neighbors, see for instance, Gideon S. Were, *A History of The Abaluyia of Western Kenya. c 1500-1930.* (Nairobi: EAPH, 1967)a, pp. 1-96; Gideon S. Were, *Western Kenya Historical Texts: Abaluyia, Teso and Elgon Kalenjin.* (Nairobi: EAPH, 1967)b pp. 86-90; Henry Mwanzi A *History of the Kipsigis*...1976; J. E. G. Sutton, "The Kipsigis" in B. A. Ogot ed. *Kenya Before 1800.* (Nairobi: EAEP, 1976), pp. 21-52.

2.2 The People, the Land and Competing Interests

> *"From the native point of view the tribe and its land are one and indissoluble. The land is the home of the tribe. It has been acquired by the tribe as a homogenous unit, it has from earliest times been defended by the tribe, and all disputed or debatable questions relating to the land or its people were, according to custom, decided by the tribal elders sitting in concave under their chosen chiefs. A clan only becomes a separate entity if it becomes completely and territorially severed from its original stock."*[6]

The struggle over the control of Uasin Gishu plateau between the various sections of the Maasai on the one hand and between the Maasai and the Nandi and the Kipsigis on the other was a long running territorial phenomenon involving extensive military campaigns. One of the unique aspects of these territorial contests is that though the various sections of the Maasai fought each other over these territories, the Nandi and the Kipsigis did not fight one another over the same. A plausible explanation for this would be that these ethnically closely-related groups seem to have respected each other's contemporaneous territorial and military hegemony. This could further lend support to the observation that more often than not, these two groups joined forces to fight the Maasai.

However, it is evident from historical accounts and records that the major territorial battles were fought not only between the Maasai and the Nandi but also between sections of the Maasai themselves.[7] The predominantly pastoralist Purko Maasai sections engaged in perennial rivalry with the agricultural leaning Kwavi sections for these lucrative pastures. The most protracted battles over the plateau occurred during the late

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[6] Evidence stipulation by African clan elders as presented to the Committee on Native Land Tenure in the North Kavirondo Reserve as cited in the Committee's *Report,* 1930, p. 4.

[7] These internal power struggles and military warfare within the Maasai polity contributed to the latter decline of the military prowess of this group as the 19th C wore on.

19thC to the mid 20th C, a period interspersed with ecological strife encasing drought, stock diseases, and scant browsing.[8]

During the early phase of the 20th C, the first Maasai section to conflict with the Nandi over the Uasin Gishu plateau was the Segelai.[9] In the ensuing battles, the Segelai defeated the Nandi to claim full control of the plateau and the adjacent plains. In spite of the victory, the fighting prowess of the Maasai had been weakened in this encounter. Taking advantage of this weakness, the Kipsigis attacked the Maasai on the plateau and over-ran their defensive forces. However, fragments of the former re-occupied the plateau after the Kipsigis vacated it opting for their new and more secure settlement in present day Belgut.

After consolidating their power on either side of the Nyando Valley, the Nandi and the Kipsigis combined forces to route out the Segelai Maasai from the Uasin Gishu plateau. Following this territorial power re-structuring, the Nandi and the Uasin Gishu Maasai power balance remained in a somewhat state of equilibrium for a long time. A. T. Matson[10] suggests that this could have been due to two possible reasons. First, it seems apparent that the Nandi enclaves of Chebilat and Chesumei had fewer attractions for the

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[8] The theme of ecological change and management in East African history has been extremely dynamic and dialectic. For an illustration, see Helge Kjekshus, *Ecology Control & Economic Development in East African History: The Case of Tanganyika 1850-1950.* (Athens: Ohio University Press, c1996); Rodger Yeager & Norman N. Miller. *Wildlife, Wild death: Land use and Survival in Eastern Africa.* (Albany, NY: State University of New York Press, 1986); L. R. N. Strange, *African Pastureland Ecology: With particular Reference to the Pastoral Environment of Eastern Africa.* (Rome: Food and Agriculture Organization of the United Nations, 1980); Gregory H. Maddox, *Sub-Saharan Africa: An Environmental History.* (Santa Barbara, Calif.: ABC-CLIO, 2006); Shane Doyle, *Crisis & Decline in Bunyoro: Population & Environment in Western Uganda 1860-1955.* (London: The British Institute in Eastern Africa; Oxford/Athens, Ohio: Ohio University Press, 2006).

[9] The Segelai Maasai clan was also known as Sigilai or Kipchoek or Kipchenye. They belonged to the larger sub-section of the agriculturalist Maasai known as the Kwavi Maasai as opposed to the more pastoralist section, the Purko. See Allan Jacobs, *The Maasai....*1968, pp. 83-84; A. T. Matson, *Nandi Resistance to British Rule, 1890-1906.* (Nairobi: EAPH, 1972) p. 25.

[10] A. T. Matson, *Nandi Resistance.....*1972, pp. 25-26.

Maasai herds, given that they (i.e. the Maasai) had access to the expanse of pastures covering more than three quarters of the plains between Elgeyo escarpment and Mt. Elgon slopes.

Second, the Nandi who had adequate empty lands to the east for expansion, seemed to have chosen this option given that they did not posses adequate military power to attempt to wrest the plateau from the powerful Maasai. However, this peaceful equilibrium was disrupted when the Nandi began expanding southwards out of their area to encroach on the Maasai pastures. The Maasai took advantage of the fact that the Nandi had moved closer in proximity to raid for livestock from them. An attempted counter-raid by the Nandi failed dismally after a combined force of the Uasin Gishu and Kaputei sections of the Maasai overcame them. The Nandi were heavily defeated and retreated into the forests along the escarpments and Nandi Hills. Thus, following this victory, the Uasin Gishu Maasai remained the undisputed kings of the plateau till 1840 when they were overrun by their fellow kinsfolk – the Laikipiak Maasai at Lolminingai.[11]

The defeat of the Uasin Gishu Maasai motivated the Nandi to regroup their military strength in an attempt to gain control of the Uasin Gishu plateau. The Maasai failed to put up a strong military resistance given that their fighting capabilities were declining rapidly following decades of intense external military engagements combined with internal fragmentation, feuds and wars. Indeed, the mid to the late 19th C saw the final waning of the once-revered Maasai military power across the expansive Rift Valley. In 1862 for

[11] Bob J. Walter, *Territorial Expansion of the Nandi of Kenya, 1500-1905.* (Athens, Ohio: Ohio University Center for International Studies, 1970) pp. 35-50.

instance, a war between the Purko (pastoralist) and the Segelai resulted in the latter being defeated. The Segelai fled from the Nakuru/Mau escarpment area westwards and went to live among the Kipsigis and Nandi areas.[12] Further, during the 1870s, though the Naivasha and Laikipiak Maasai sections combined forces to rout the Uasin Gishu section from the plateau, they were unable to displace the Nandi and the Kipsigis. When fragments of the demoralized section tried to reclaim the plateau in the 1880s, the Nandi thrashed and scattered them over the Kipkarren River area in the present day Lugari Division. Most of the uprooted Maasai were forced to seek refuge among the Kabras and other neighboring Luyia sub-groups as far southwest as the Tiriki and Idakho.[13]

In the meantime, while the Nandi were clearing the Uasin Gishu plateau of any remnants of the Uasin Gishu Maasai, the Segelai section attempted to regain control of the Nyando Valley but were defeated by a combined force of the Kipsigis and the southern sections of the Nandi. A. T. Matson says that soon after the Segelai had been defeated, the Naivasha Maasai section overran the Laikipiak, leaving them as the only strong force to contest the Uasin Gishu plateau with the Nandi. During the last phase of the clashes between the Sirikwa, Nandi and Uasin Gishu Maasai groups, the Sirikwa are said to have been defeated after which they migrated to settle in the vicinity of the present day Mt.

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[12] This section of the Maasai that fled to the present Uasin Gishu/Nandi district areas is at times believed to have been the front-runners of the Uasin Gishu Maasai group. In this case then one could think of the Uasin Gishu Maasai as comprising of Sigilai Maasai. See Henry Mwanzi, *A History*...1976, pp. 83-84.

[13] It is widely believed that the Maasai sections who settled among the Idakho boosted the ruling and defensive power of the ruling clan of the Abashikulu most of whom have strong ancestral ties with the Maasai. See M. S. Mwayuli *A History of the Isukha and Idakho Clans among the Abaluyia of Western Kenya*. (Nairobi: CUEA Publications, 2003), pp.170-171. Those who settled among the Kabras intermarried with leading families, which helped them to consolidate their military power and economic wealth.

Elgon where they were subsequently swallowed up by the Kalenjin sub-groups of the Bongomek and Bok.[14]

Between 1880 and 1890 several armed engagements between the Nandi and the Naivasha Maasai resulted in the victory of the Nandi over the former at Siwo. This appears to have been the final attempt by the Maasai for the control of Uasin Gishu plateau. Though a few disjointed fragmented groups of the Maasai organized random raids on the Kabras, Bukusu, Isukha, Idakho, and Tiriki, they hardly ever came close to conquering anybody, leave alone approaching the new stronghold of the Nandi. Thus, as the colonial period approached, the Nandi were the reigning power over the strategic mass of land between the eastern borderlands of Trans Nzoia plains and southern limits in the Nyando valley. As A. T. Matson observes "The dispersal of the Uasin Gishu and the defeat of the Naivasha Maasai gave the Nandi unchallenged access to the pastures and salt licks throughout the extensive plateau regions stretching from the Mt. Elgon foothills to the Nandi escarpment."[15]

The foregoing discussion therefore demonstrates how land ownership in the present Uasin Gishu/Lugari District area and the neighboring plains changed repeatedly as different groups won or lost these territorial wars that dominated the history of this area. However, it is generally agreed that by 1890, the Uasin Gishu plateau had seen the final phase of the contestations between the competing groups. Consequently, and following these last inter-sectional conflicts and territorial restructuring, as A. T. Matson and

[14] These two sub-groups of the Kalenjin people living on the slopes of Mt. Elgon are generally perceived to belong the larger Sabaot group. Gideon S. Were *A History of the Abaluyia* ....1967a p. 49-50.
[15] A. T. Matson, *Nandi Resistance*...1972, p. 27.

Regina S. Oboler assert, most of the ethnic groups neighboring the Nandi were occupying roughly the same areas that they generally do today (save for their relocation during the creation of the African Native Reserves following colonial land alienation). For instance, the Luo of Kano plains occupied the lower Nyando valley while the fertile plains to west on either side of the River Nyando were grazed and hunted by the Nandi and the Kipsigis. The Luo of Kajulu, the Tiriki, Idakho, Isukha and Kabras occupied the area bordering west of the Nandi territory and thus comprised the eastern frontier of the Luo and Bantu lands. In between the settlements of these ethnic groups, were swathes of 'empty' lands usually referred to as no-man's lands that historically marked territorial divides between ethnic groups.

From the discussion in the later part of this chapter and in Chapter Three, it will be seen that these swathes of the so-called 'empty' lands played a crucial role in the pastoral and agrarian economies of the respective communities. It is for such reasons that we would want to hasten to critique the claims by scholars who contend that the huge expanse of land lying in between these former warring groups stretching to Mt. Elgon was empty. Among them is A. T. Matson who states: "The Uasin Gishu plateau was uninhabited from the northern limits of Nandi occupation in the south to the first settlement of the Elgeyo (Keyo) on the edge of the Kerio escarpment in the north-east and the distant Elgony on the Elgon foothills in the northwest."[16] Such claims are not only false but also unfortunate in that there is hardly any plausible evidence that is presented in support.

[16] Matson, A. T. 1972 *Nandi Resistance*...op. cit. p. 19.

Given the high demand for such lucrative farm and pastureland, it is difficult to fathom how these lands would have laid empty or unoccupied during this period.

During the late pre-colonial to the beginning of the colonial periods, the outward bounds of the Uasin Gishu plateau was occupied by several ethnic groups. To the northeast were the Kalenjin sub-groups of the Keiyo and Marakwet while to the east were mainly the Kipsigis. In the southeastern parts were the Nandi who extended north-eastwards to border with the Kipsigis and Keiyo/Marakwet speakers.

Scattered among these Kalenjin sub-groups were various segments of the Uasin Gishu, Laikipia and Naivasha Maasai and a handful of the Sabaot (Bongomek) speakers from Mt. Elgon. Undocumented claims that these pastoralist Sabaot speakers also occupied small portions of the western and northwestern border lands of this plateau extending northwards to the present Trans Nzoia region also appear from some oral respondents.[17] To the west and southwest were the Luhya sub-groups of the Kabras and Tachoni speakers while to the south were the Isukha and Idakho sub-groups. The western fringes of the Nandi escarpment formed a formidable geographical boundary between the Isukha and the Nandi communties. Like in the central, eastern and northeastern parts of the district, these areas also had pockets of Maasai speakers dwelling among these Luhya sub-groups.[18]

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[17] This information was provided by several oral informants including Luka Banyako, Joram Mutoko and Daudi Wekulo of Chevaywa sub-location, Kivaywa Location, Matete Division, November 2004.

[18] This research was privileged to interview several respondents whose families played host to uprooted Maasai families with their herds. These include: Ibrahim Juma; O.I. Kivaywa, Chevaywa, Matete, December 2004; Zacharia Okutoyi O.I., Kivaywa, Chevaywa, 12-03-04; Ford Marofu, O.I. Kivaywa, Chevaywa, 12-05-2004.

However, before we proceed with this discussion, it is important to take a step back and focus specifically on system of land ownership among the prominent communities that occupied this region during the late pre-colonial period. This undertaking is necessary at this stage in order to put the historical changes in the system of land ownership and contemporary inter-ethnic contests and conflicts over land in their proper perspective within the ambit of the period and thematic focus of this study. For instance, the borderline between the Nandi and the Luhya marked by the Kipkarren River running from Soy Bridge on the Eldoret –Kitale road via Turbo Township along the main Kampala road through Mwamba and Kipkarren River Townships has been the scene of intermittent bloody conflicts over land between these two communities.

Persistent cattle rustling by the Nandi against the Luhya, Kikuyu, Kamba and Luo immigrant settlers have also contributed to the hostile inter-ethnic tensions. Such developments then necessitate a review of the system of land ownership with a view of placing the historical and contemporary ethnic land claims in their correct context. The Nandi who have been for many years the closest neighbors of the Kabras, Tiriki, and Isukha provide a good contrasting unit of study for purposes of illuminating the system of land ownership among the Nilotic speakers against that of the Bantu groups in this region. Let us begin with the Nandi community.

2.3 The Pre-colonial System of Land 'Ownership' among the Nandi People

From studies carried out among pastoralist and sedentary economies, it is discernible that nomadic or transhumance pastoralist communities tend to have a less stratified land

tenure system compared to sedentary, mixed farming societies. For instance, while the nomadic pastoralist Maasai in East Africa have a very basic customary system of land ownership, the sedentary groups such as the Kikuyu and Luhya have very complex customary law pertaining to land ownership, its use, and alienation.

The disparities in the structure of the system of land ownership between the nomadic pastoralist and sedentary communities in Kenya is significant because close to two-thirds of the country is semi-arid and supports nomadic lifestyle while the remaining portion holds the most fertile and productive land. Contrastingly, the semi-arid parts of Kenya hold less than a third of the nation's total population, which suggests a potential competition for the limited arable land available. These ecological disparities also have important implications with regard to the system of land ownership because they have a direct impact on how land policies are grafted. Let us use the case of the Nandi and the Kabras to illustrate this point against a contrasting backdrop of the Maasai system of land ownership.

The system of land ownership among the Nandi has evolved over many centuries in response to internal agro-technological innovations and the varying social and economic conditions. For instance, early evidence suggests that prior to the 14^{th}C, the Nandi were predominantly cattle-keepers but they carried out minimal agriculture. Their food economy was heavily reliant upon hunted meat, milk, and blood extracted from their livestock. Domesticated grains and wild fruits were consumed but to a limited extent. However, from the 15^{th} C onwards, the Nandi expanded cultivation especially grains

involving sorghum, millets, sweet potatoes and tobacco. Alice Gold[19] argues that on the forefront of this agrarian transformative process of change were women who rapidly acquired skills of tilling the soil. The acquisition of the adapted hand-held digging hoe "mugumbet" by the Nandi appears to have accelerated this process even further. These crops were adopted through increased interaction and contact with other sedentary cultivators and regional trade which brought in more and more iron tools facilitating crop culture.[20]

The history of the migration and settlement patterns of the various Nandi clans into their present area shows that the clan system played an important role. Historical sources and oral traditions point to Chebilat[21] as the ancestral homeland of the Nandi. Chebilat is located in a fertile and well-watered region. It is bounded to the East by the Nandi Hills and beyond them, the present South Western Mau National Reserve. Given the apparent geographical barriers to the east and northeast, it is most probable that from their ancestral homeland of Chebilat, the Nandi expanded mostly northwards towards Kericho, Kipture, Kapsoit, and Kipkelion. To the southwest, they expanded to occupy Tenwek and Bomet while their westwards movement encased Sotik. Later, the northwestward expansion reached the present Kapsabet Township.

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[19] For a detailed discussion of the process of economic change and transitions among the Nandi, see for instance, Alice E. Gold, "Women in Agricultural Change" in Ogot, B.A. (ed.) *Kenya in the 19th Century. Hadith 8.* (Nairobi: Anyange Press/Bookwise, 1985); Bob J. Walter *Territorial Expansion....*1970; George W. B. Huntingford, *The Nandi of Kenya: Tribal Control in a Pastoral Society.* (London: Routledge & Paul, 1953).

[20] The process of agricultural transformation among the Nandi accelerated with the adoption of rudimentary and later, improved farming tools and crop husbandry especially from the neighboring Kabras and Isukha Bantu sub-groups. The Terik (Tiriki) played the key role in this transformation process.

[21] Chebilat is located in the heartland of Nandi near Litein Township to the Southeast of Kericho town.

The Nandi first acquired, occupied and expanded their territory along clan lines. Several clans formed a unified polity referred to as pororiet (sing; pl. porosiek or bororiosiek). The institution of pororiet was a focal point of social, economic, cultural and political interaction. It is from these porosiek that a unified social and political system emerged among these people.[22]

Within each pororiet, a council of elders referred to as Koret[23] oversaw clan matters and resolved both land cases and any other matters between the people. The Koret was the smallest neighborhood unit and it comprised part of the pororiet. Land cases were the most serious business handled by the Koret.[24] This is because land was important in the world sphere of the Nandi as it defined their social, economic, and political institutions and external interactions. It was the basic unit of residentiality and identity formation based on the Kokwet.[25]

Though each clan was basically ruled by a Kok under the leadership of a 'Chief Warrior' or 'War Captain,' all clans were unified through their recognition of the supreme power of the Orgoiyot, (sing, pl. Orgoik), i.e. the Supreme Ruler/Leader. The Orgoiyot belonged

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[22] For a detailed discussion of this aspect, see for instance, Henry A. Mwanzi, *A History of*.....1977 p.132.

[23] The Koret is also known as the Kok or Kokwet among other Kalenjin sub-groups. These terms have been elaborately explained by several authors already cited here including B. Kipkorir *People of the Rift Valley*....1985, and H. A. Mwanzi, *A History of*....1977.

[24] Both B. Kipkorir, *Rift Valley Peoples* ...1985 and Regina S. Oboler, *Women, Power*.... 1985 point out that land cases and disputes over livestock comprised the most serious sources of conflict among the Nandi. Land cases were handled seriously due to the grave implications in case of disinheritance. In the event of inability to resolve a land case between two parties, the Kok administered the lethal muma oath. This was a feared oath and it often resulted in the death of the guilty party.

[25] The Kokwet played a critical role in organizing the day-to-day activities of the Nandi e.g. it organizing collective activities regarding e.g. soil conservation; protecting natural resources of the Koret; settle disputes; investigate anti-social conduct of Koret members; regulate social and ceremonial function and control certain agricultural/land use activities. See A. T. Matson, *Nandi Resistance*....1972, p. 14.

to the Kapchemuri clan, an offshoot of a Maasai clan. Using the pororiet as the basic unit of social, political and military organization, the Nandi expanded their area of occupation to Tinderet and Chesumei. After this, they launched a large scale offensive to wrest the Uasin Gishu plateau from the Maasai. After displacing the Maasai, they occupied the plateau and expanded their settlements as far north as present day Lessos and the slopes of the Elgeyo/Nandi escarpments and as far as Kipkelion and Londiani to the east and northeast. From this point, the Nandi established their area of settlement and occupation from the foothills of the west escarpment, extending southwestwards to the Kavirondo plain. From here their territory extended eastwards reaching the outer fringes of no-man's land between them and their neighbors. This was an area comprising of forest, grassland and scrub vegetation, which formed the boundary between the Kalenjin speakers and the Kabras people.[26]

Due to the nature of their main economic activity, the Nandi usually acquired huge expanses of land to provide extensive pasturelands for their equally large herds. Once carved out of the acquired terrain, the elders surveyed the land and organized how it was going to be utilized. Land was portioned out in regard terms to the community's needs for instance, paths, watering points and pastures. Higher ground was used to build homesteads as a defensive and security measure. Public utility areas were also scheduled out before establishing individual farms and homesteads for the cultivation of mainly basic food grains such as finger millets. Women were also allocated portions of land to plant vegetables. Farmsteads were usually established close to the homesteads away from

[26] Early historians often referred to the Idakho and Isukha sub-groups as the "Kakamega" while the Kabras by their previous coveted name, the "Nyala" or "Banyala." See for instance, A. T. Matson, *Nandi Resistance* ..1972, p. 18.

the home pasturelands. The individual locations and sizes of these crop farms were not rigidly marked as the case was among the sedentary Bantu Luhya or Kikuyu groups.

The large Kalenjin herds grazed in the expansive pastures far away from the homesteads and as such there was less pressure on farmsteads. Pastures were used in rotation to allow exhausted browse to rejuvenate. Given the large herds, most of their pastures comprised large expanses of grassland and plains but whose boundaries were known only to the members of the local council of elders (i.e. Kokwet and pororiet). It is no wonder that the early European explorers and colonial officials alienated huge tracts of land comprising of Kalenjin pasturelands on the basis that the lands were "empty" or "unoccupied" when in the real sense they did belong to such communities.

The system of land ownership and use among the Nandi witnessed frequent shifts in grazing belts and homesteads.[27] Unlike the Kabras and other sedentary Bantu groups, the Nandi homesteads were maintained more or less on a temporary basis with each occupation cycle lasting about three to five years. This is a very important component of the Nandi conceptualization of land ownership. To the Nandi, any land that was within the territorial extent of their pasturage belonged to them and they did not need to erect rigid boundaries to mark it off from other (competing) interests as the case was among sedentary groups like the Luhya.

[27] Several factors influenced these shifting settlement patterns. For instance, families shifted to new areas due to e.g. fatal human and livestock diseases, constant friction with neighbors, soil exhaustion or death in the family. Till as recent as the late 1970s, the Nandi still shifted the location of their homesteads once death occurred in the family. The author witnessed numerous such situations throughout the 1970s. What seems to have put a stop to this practice is the drastic diminishing in household landholdings.

The shifting component of the Nandi land ownership and use system accounts for some of the misconceptions among some scholars regarding the centrality of land in this community. Most probably the misconceptions arise from the fact that such scholars perceive the paradigms of land ownership and land use among the Nandi through the conceptual prism of Western agrarian structures. For instance, Regina Oboler states that "(I)n most of pre-colonial Nandi, land was not permanently owned. Community members of both sexes had the right to cultivate it."[28] To which she adds: "Land, of course, was part of the means of production, but it was not viewed as a form of property. Land in pre-colonial Nandi was so plentiful that control over it was not a real issue."[29]

This observation is wrong because the Nandi viewed land as a strategic and indispensable form of capital. This is why they fought some of the longest and most brutal battles to protect their land rights from local infringement and external alienation. Indeed, between 1890 and 1906, the Nandi though outnumbered and with inferior arms, gave the British imperial forces one of the toughest resistances against land alienation and colonial rule. Similar tough battles had been fought in the past with the Maasai to protect their land. Therefore, it is wrong for anyone to perceive this system of land ownership as being less significant where land was not seen as a form of concrete property.

After the defeat of the Nandi and during the establishment of colonial rule, the Nandi were forced to move south from their area of occupation on Uasin Gishu plateau into the newly created Nandi Native Reserve. Those who had pushed the Maasai westwards into

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[28] Cited from Regina S Oboler,. ... *Women, Power*.....1985, p. 9.
[29] See Regina S Oboler,. ... *Women, Power*.....1985, p. 10.

the Kipkarren River area were also forced to move beyond the Tapsagoi hills south east of present-day Turbo Township all the way back to Kapsabet and Nandi Hills.[30] Forced into a crowded and confined zone with inadequate pastures for their large livestock herds, the Nandi were very bitter and angry. It is evident that their bitterness never really went away even as the colonial period drew to an end and a substantive portion of their former ancestral lands were subsequently redistributed through the A Million-Acre Settlement Scheme program.

On the other hand, the forced movement of the Nandi into the Reserve entailed a major socio-economic change. This demographic restructuring left the Kabras as the only dominant group occupying the Western borderlands of the Uasin Gishu district in the present Lugari division stretching southwestwards to encompass Matete Division. But the area occupied by the Kabras was promptly included in the newly created Kavirondo Native Reserve, and thus, they were not required to move out. Let us now focus on the Kabras people.

2.4. The Pre-colonial System of Land Ownership among the Kabras People

The Kabras belong to one of the 17 sub-ethnic groups[31] that make up the entire Luyia ethnic group. Linguistically, these sub-groups comprise of diverse speakers with varying

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[30] After the attainment of independence, the swathe of fertile land between the Nandi Native Reserve in Kapsabet and the present Kipkarren River/Lugari district boundary was later subdivided into smallholder settlement schemes like the ones covered in this study. However, unlike the schemes in Lugari that are multi-ethnic, the schemes here are purely occupied by the Nandi ethnicity. Until the opening up of the land market in the 1980s and after when other ethnic groups started buying land here, this was a purely Nandi territory. Schemes such as Tapsagoi, Ndalat, Leseru, Chepterwai, Kabiyet, Chemuswa and Kapsisiywa were allocated to Nandi speakers only.

[31] The Luhya consist of the following sub-ethnic groups: Abetakho (Idakho), Abesukha (Isukha), Abatirichi (Tiriki), Abalogoli (Maragoli), Abanyole (Banyore), Abamarama (Marama), Abawanga

degrees of mutually intelligible dialects. The Kabras who make up one of the largest Luhya sub-groups, consist of 25 known clans and sub-clans.[32] They occupy the present southeastern triangle of Lugari and Matete Divisions of Lugari and Kakamega Districts in the Western province of Kenya respectively (Figure 2). Prior to the creation of present-day Lugari District, the Kabras occupied the then Malava and Matete sub-divisions of Lurambi Division.

Historically, the consolidation of the modern Kabras polity began during the late years of the 18th C and early phase of the 19thC. This nation-building process was marked by peace initiatives between the Kabras leaders and those of the Nandi and the Luhya sub-group of the Tachoni (with whom they had fought long running battles over territory). From this period onwards, the Kabras and Tachoni mutually recognized each other's territorial claims separated by the Chetambe Hills to the northeast of present day Webuye Township. Thereafter, the successive Kabras leaders from the founding genealogy of their leaders, Omwami Muhongo and Mukhulu continued with the process of nation-building and consolidating their political institutions. This process was achieved through incorporating and assimilating cultural and defensive military tactics from the

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(Wanga), Abanyala (Banyala), Ababukusu (Bukusu), Abakabrasi (Kabras), Abamarachi (Marachi), Abasamia (Samia), Abakhayo (Bakhayo), Abatachoni (Tachoni), Abatsotso (Batsotso), Abashisa (Kisa), and Abasonga (Basonga). The Nyang'ori, otherwise called Terik are increasingly becoming Luyianized. These speak both Luhya and Kalenjin and are basically speaking more Luhya language with time (See G. S. Were, *A History of the Abaluyia* ....1967a; G. S. Were, *Abaluhya Historical Texts*...1967b; Osogo, 1966).

[32] According to the principal oral informants, the Kabras clans and sub-clans are as follows: Abasamo, Abamushu, Abasonje, Bamutali, Abatobo (Bamutobo), Bamutsembi, Abamakangala, Abanzasi, Abamululi, Abashikusi, Abashibika, Abatsikha, Abamusaka, Abasumira, Abamuyumba, Abachisira, Abang'ale, Abachuna, Abamutama, Abasoko, Abaluhu, Abamukhuyu, Abashibuli, Abahenyu, and Abamachina. Two other auxiliary clans, Abachimbe from Uganda and Abarefi from the present-day Chesamisi in Bungoma District of the Bukusu have since been absorbed or diminished in numbers as stated by Roman Bushuru Mutandi, O.I. 2005 and Sabeti Khalibitsi, O.I. 2005.

neighboring Maasai, Kipsigis, Teso, and Nandi ethnic groups.[33] By 1850, the Kabras, like rest of the Luyia sub-groups, had emerged as a distinct people with a their own distinct territory, system of land ownership and government.

The consolidation of the Kabras polity underwent further centralization especially after their violent fallout with their close cousins, the Banyala[34] of the present Navakholo Division of Kakamega District. This shows that during the last phases of the territorial wars over Uasin Gishu and Trans Nzoia plains, the Kabras had already settled into their present area and bore part of the brunt from the military fallout of these wars. Thus, it is tenable to assert that by this time, they had evolved a robust system of land ownership which was in operation by the time the first wave of the missionaries (followed by the explorers) reached this part of the African continent in the early decades of the 1800s. To effectively understand the system of land ownership among these people, let us begin with the process of land acquisition.

2.5 Acquisition of Land among the Kabras

The evolution of the Kabras community on the fringes of the volatile geographical axis encasing Uasin Gishu plateau, the Nandi plains and the neighboring Elgeyo - Trans Nzoia belt was equally eventful and dynamic. The Kabras, being comparatively weaker in terms of military prowess compared to the Maasai and Nandi, repeatedly bore the brunt of the territorial wars as losers from these two contesting rivals sought restitution from the

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[33] See Gideon S. Were, *The Abaluyia* ....1967a, pp. 2-3.

[34] The Kabras have had a long fighting history with their erstwhile close cousins, the Banyala. As late as the mid 1950's, these two groups were still fighting scary battles as to who between them should use the name "Banyala" given that both groups laid claim to this name (which is said to be more prestigious than the 'belittling' "Kabras"!).

immediate weaker groups. Though with time the Kabras learned and adopted some of the military skills from their superior neighbors, they never were able to match up, subdue or conquer the powerful fighting regimental army of the Maasai Morans or the Kalenjin warriors.

The volatile history of contestation over land, pastures and livestock in the adjacent Uasin Gishu plateau (including the area occupied by the Kabras) was an important factor in the history of land ownership in western Kenya. Its importance lies in the fact that the trajectory of these contestations had an enormous influence on the emerging predominant system of land tenure. In other words, these wars determined who acquired, owned or controlled which portion of land; how it was to be used and protected and what modalities were to be used in case of change of ownership. Indeed, the system of land acquisition and ownership among the Kabras did not vary significantly from the established one among the rest of the Abaluyia sub-groups.

Like other Luyia sub-groups, the Kabras acquired land along clan lines as first occupants through clearing bush and by incorporating neighboring empty lands. It was customary for the Kabras to establish boundaries soon after acquiring the land. Most of the land they acquired as first occupants lay around the present Malava Township (in the neighboring Kakamega District). The Kabras incorporated mostly the empty lands to the east though the presence of the Nandi and a scattering of Maasai settlements limited this eastward expansion. There were constant raids from the Maasai and Nandi on the Kabras

settlements for livestock and grain. This explains why the Kabras and other neighboring Luyia groups in the neighborhood of the Maasai and Nandi lived in walled villages.[35]

Due to the high risk of losing land to these two warrior communities, it became necessarily prudent that the Kabras provide adequate defensive resources to protect their lands. In the absence of matching military prowess, the Kabras employed diplomacy and built mutual co-operation alliances through marriages with these groups. As the 19thC drew to an end, the Kabras had strengthened these diplomatic ties and marriage alliances to include the protection of their lands that resulted in a significant decline in the raids. But the entire scope of protecting Kabras lands and assets was no easy task as one of the oral informants put it verbatim:

> "We had a tough time acquiring and safeguarding our land. But we had more land than people today. In fact if you moved towards the east, most of the land was free; it was just open with no (physical) boundaries. But this did not mean that it belonged to nobody. Each family was free to cultivate the amount of land that their hard work could manage. But this depiction was misleading. We had Maasai and Kalenjin herdsmen who lived among us with their huge herds of livestock. It was a tough time protecting our own pasturelands and reserve farmlands from the tough Maasai morans and Kalenjin warriors. What kept us going was the friendship we tried to establish with these herders. They ate from us and also we used to brew a lot of beer and invited them to drink freely. Some married our daughters and became in-laws. This is how we managed to co-exist with these warriors."[36]

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[35] The walled villages among the Luhya were called Olukoba, (sing; Tsingoba, pl). Each olukoba enclosed homesteads and cattle pens belonging to the respective villagers. For further reading, see Norman Humphrey, *The Liguru and the Land.* (Nairobi, Government Printer, 1949), p. 14.

[36] This information was largely gathered from several oral respondents but most emphatically Bushuru, Roman Mutandi, O.I., Indulusia Village, Shikutse, West Kabras Location, October 2005; Zebedeyo Wanyama, Kivaywa, Chevaywa Location, December 2004.

Second, apart from being eligible to be allocated part of the clan land, the pre-colonial land ownership system among the Kabras provided for an individual to acquire additional land from the reserve land held by the clan and community as a whole. Reserve lands were always under bush cover (omutsuru). An individual could acquire such land by staking off, clearing and cultivating a portion of land from these reserve fields. The local village elder and the Liguru[37] inspected the area to be staked off to ascertain that it was free for individual occupation prior to allocation to the applicant. The elders ensured that the land was not part of the resources set aside for communal use.

Within the family, an individual could acquire more land by inheriting part of or the entire portion of land that belonged to his father (or grandfather). As a rule, all sons in a family inherited land from their father. They could only demand land from their grandfather if the latter did not give their father his proper share of the family land. Inheriting family land in this manner was the most versatile medium of ensuring an individual's almost automatic and uncontested claims to clan land. As it will be demonstrated below, this system of land acquisition has contributed largely to the latter-day resistance by the Kabras to subdivide family lands in order to have each eligible heir his own title deed.

The transfer of land from fathers to the respective heirs in the family strictly followed patrilineal lines. The law of succession and inheritance as pertains to land did not empower daughters and wives to inherit land directly in their individual capacities. Under

[37] This term is also written or pronounced "Likuru" and "We-likuru."

this partial inheritance system, sons inherited more or less equal portions of their father's land except where the father stipulated otherwise. The sons could also inherit part of their paternal uncle's lands if he died without a male heir. An individual could only acquire whole portions of land in this manner if there were no other family members entitled to the land. Partial inheritance was the most common pattern given that it was very rare for a family to have only one legitimate heir to the family lands. Consequently therefore, every young man among the Kabras was assured of accessing land for his own use upon attaining maturity and settling down. This process of transferring land from either the father or grandfather to the sons or grandchildren followed laid down procedures as elucidated above.[38]

Third, the territorial contests over land between different adjacent communities often resulted in some people losing land and other resources to the conquerors. During the pre-colonial period, inter-sectional warfare often targeted land, livestock and to a lesser extent, women and grains. Thus, through such wars, some communities gained land as one of the spoils. These lands were usually considered as part of the additional resources acquired for use both by the community as a whole and by individual members who needed more land to cultivate. Consequently, an individual could cultivate or own part of a piece of land allocated to him after evicting the owners in a war.[39] Similarly, abandoned

[38] A detailed exposition of these aspects is in *KNA: Abaluyia Land Law and Custom*, Parts I & II, 1946.

[39] This cultural belief has lived on through the colonial and post-colonial periods. It is at the core of the situation where certain groups that evicted legitimate land-owners during the 1991-97 ethnic clashes have assumed full ownership of these lands, the government issued title deed notwithstanding.

clan lands or those left empty by expelled clan members could also be assigned to other clan members to cultivate.[40]

Irrespective of the mode of acquisition, strict laws governed clan land ownership. Membership to a clan did not always carry express rights to clan lands held under family ownership. For instance, a clan member could be expelled from the clan and lose rights to his lands if, for instance, he committed a felony by murdering a family member or if he was found guilty of stock theft. In addition, witchcraft, misuse of land or neglect of conservation measures and possessing anti-social characteristics could also culminate in one being stripped off his rights to land. Last but not least, an individual could own and cultivate land staked out of the no-man's land between two different clans or sub-ethnic groups. To be acquired in this manner usually such land was known not to belong any known clan or authority.

2.6 The System of Land Ownership among the Kabras

The centrality of land in the overall social, economic and political spheres of the Kabras people contributed to the evolution of a versatile system of land ownership. The intensive cultural exchange, trading activities and intermarriages between the Kabras and other neighboring Luyia and non-Luyia groups all contributed to the qualitative evolution of a robust system of regulations governing land ownership. From the oral and archival information gathered on this aspect, it is apparent that the Kabras shared a lot in common with other neighboring Luyia groups as pertains to the system of land ownership. The

[40] In some instances, clan members shifted to new areas leaving their lands empty due to diverse factors such as many deaths in the family; persistent fights with neighbors; high rate of mortality in calves and so on. These aspects are fully discussed in the section on change and loss of ownership rights.

Kabras identify four types of land,[41] i.e. family land, communal land, bush land/forests, and individual lands. A few oral sources and archival records suggest the existence of a fifth type, i.e. the no-man's lands[42] or empty lands between distant clans but this category seems to intersect into the communal and bush land categories. These different types of land ownership are identified on the basis of ownership, use and control of land.

The cumulative effect of the practice of passing land down the family line from fathers to sons resulted in the formation of land that belonged to the family. Family land consisted of land that the holder inherited either as a whole or as a portion of their father's (or grandfather's) lands. Such lands also comprised of any other land inherited as part of the family's property especially from other family or kinship members. All such land comprised the family's farmstead (mugunda) which served as the core basis of the family's existence and socio-economic reproduction. As the 1930 Report states: "Each family has exclusive rights of occupation and usufruct over its own holding, and these rights pass by inalienable right from father to son. No one, even though a member of the clan, can use the mugunda of another without his express permission."[43]

Unlike among the Kalenjin where land was owned and passed on under communal pastures and semi-permanent homesteads, the Kabras had a more entrenched system. For instance, all sons in a family were entitled to a portion of family lands. As a result family

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[41] This aspect proved very elusive for most oral respondents but some were very resourceful in providing detailed description of the types of land - Ngome, Jacob, O .I, 2004; Wanaswa, Jackson O. I, 2004.

[42] For a detailed description of this category of lands among the Luhya (termed as "migenda nyama" among the Maragoli) see KNA: *Abaluyia Land Law and Customs*, 1946, pp. 21-23. The expression 'migenda nyama' literally refers to (distant) lands roamed by wild animals.

[43] See *Report of Committee on Native Land Tenure in the North Kavirondo Reserve*, 1930, p. 5.

lands were continuously subdivided among the heirs with occasional expansion in size as sons opened up new cultivation areas from the clan's reserve lands. This system of inheritance resulted in fragmentation in family lands because more sons got married and set up new homes faster than land could be acquired at the individual level. Most of the Kabras families expanded their family lands northwards avoiding the thick forest cover to the east and southeast.

Comparatively, the rate and intensity of subdivision varied significantly from one family to another due to the fact that family lands did not always exist in single, composite blocks of land. Generally, the common pattern was where family lands were located in different places (but within the same village locality) encasing the clan and village lands. Indeed the latter attempts at consolidation and registration of such fragmented family lands into individually owned parcels during and after the 1920's is a factor that led to the escalating land cases in the North Kavirondo Reserve. The increase in land-related feuds during this period accounts for the 1930 inquiry into the system of land tenure in the North Kavirondo African Reserve.[44]

Compared to other types of land among the Kabras, family lands had very complex customary regulations governing their ownership and the change or transfer of usufruct rights. Consequently, while individual lands could enter transactions involving non-

[44] For an overview of the increasing land cases in the Reserve, see for instance, C. K. Meek, *Land Law and Custom in the Colonies*. 2nd ed (London/New York: Oxford University Press, 1949), pp. 45-46; KNA: DC/NN.1/12 *North Kavirondo District Annual Report, 1931*; KNA: DC/NN.1/13 *North Kavirondo District Annual Report, 1932*. In emphasizing this factor, some oral respondents pointed out that this phase marks the genesis of the prevalence of volatile intra-family and inter-community feuds over land. Benjamin, Peter Lunani, Chevaywa, OI, 2004; Wanyama, Zebedayo, Chevaywa, OI 2004.

family members, this hardly occurred with the family lands. Perhaps, this is to emphasize the fact that family lands were always held in somewhat transition status to be passed on to prospective heirs and thus, transfer of use–rights was discouraged to avoid disinheriting the heirs.

One of the principal factors that helped place greater communal control over the use of land was the fact that among the Kabras, land did not belong absolutely to an individual, as the case would be under individual titling system. Through such controls, proper land use procedures, crop and livestock husbandry practices were enforced using the system of land administration under the local Village Elder i.e. Liguru (or Mukasa)[45] and all the (clan) elders of a neighborhood who comprised the local Land Authority. This is one of the major points that contemporary scholarship has used to critique the African land tenure systems as discouraging optimum utilization and increased investment in land on the basis that land was "communally" owned and thus individual cultivators had no motivation to maximize its utilization.[46]

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[45] There is some over-lapping in the administrative roles of the Liguru (or Mukasa Wo Mukasa among the Bukusu). In fact, in many circumstances, the two terms are interchangeable. However, it is generally recognized that the Liguru (also pronounced Likuru or we Likuru) occupies a more senior position and oversees a larger geographical area. The Liguru was appointed to office by members of his clan in the respective village (Olukoba). The clansmen appointed only highly qualified individuals to this important office. Appointees had to demonstrate full knowledge of the Kabras people and be intelligent, polite, incorruptible, generous, posses a good personality, character, reputation and be capable of making wise, impartial judgments. KNA: *Abaluyia Land Law and Custom*.....1946, p.7.

[46] There is extensive literature on this subject or debate. For a quick reference, see for instance the diverse views from different scholars in Jonathan Barker (ed.) *The Politics of Agriculture in Tropical Africa.* California: Sage Publications, 1984); Richard Barrows & Michael Roth, "Land Tenure and Investment in African Agriculture: Theory and Evidence", in *Journal of Modern African Studies*, 28, No. 2 (1990), pp. 265-297; John Cohen, *Land Tenure and Rural Development in Africa.* (Cambridge, MA: Havard University Press, 1978.)

In spite of the guaranteed inheritance rights to land, misuse of land was highly prohibited. It was illegal to use such lands in a neglectful manner owing to the fact it was in "virtual" hereditary transition. Strict regulations that governed the use of family and hence clan land. The proper use of land and its resources were strictly enforced because land was not in the perpetual personal possession of the owner but it was part of the primary hereditary heritage of the wider family and hence, clan and above all, the ethnic group. Norman Humphrey asserts thus:

> "This does not mean that a man had individual ownership in his fields or even the individual right to misuse them. "Ownership" resided not in the man alone but also in his ancestors who played a very real part in his life, and in his posterity whose interests had to be guarded just as well as those of the living members of his family. .....The ancestors' rights obviously affected all members of the clan and even the tribe in theory, since common descent is claimed from the original founder. The rights of posterity were equally a concern of the tribe since it is on these that the continued life and prosperity of the people as a whole depend.[47]

In addition to family lands, the Kabras system of land ownership also had communally owned land that fell into two main categories, i.e. communal pastures and relief lands. Situated far away from the crop farms, communal pastures were carved out at village levels with each village having its own pastures under the administration and trusteeship of the Liguru. The communally owned and used lands were under the administration and control of the clan elders (who also comprised the powerful Council of Elders). These lands were usually carved out of the land acquired by the community at the onset of the settlement process. Communal lands were scheduled out for use along village and clan

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[47] Norman Humphrey, *The Liguru*...1947, p.19; See also comments by Frederick Keya Saisi, O.I. Kivaywa sub-location, Chevaywa Location, Matete Division.

lines. The lands belonging to a specific village were under the control of the village elder (Mukasa or Liguru) and the elders of the neighborhood.[48]

It was the administrative and supervisory responsibility of the local elders together with the Liguru to ensure that no cultivation encroached on the pastures. Similarly, the elders cooperated with the junior elders and warrior class to protect the pastures from encroachment by other competing communities. Accessibility to these pastures was assured for every clansman who was welcome to graze their livestock but they had, in turn, to adhere to the rules and regulations governing the proper use and conservation of the pastures. This included avoiding over-grazing the pastures or willfully destroying certain medicinal plants and trees used by cows for browsing or shed during hot seasons respectively.[49]

Due to weather variables such as hailstones, drought and localized aspects such as locust invasions that could destroy crop yields, relief lands played an important role in the food production and socio-economic system of the Kabras people. Families used these lands to boost food production especially during the second planting season of the year (i.e. July-November) following increased household nutritional needs or poor yields precipitated by circumstances as stated above.

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[48] See Norman Humphrey, *The Liguru*....1947, pp.19-20.

[49] It was common law among the Luhya that rules governing communal pastures be upheld by everyone. This included tenants who lived among the Kabras or those distant relatives and or friends from far given temporary accommodation in the villages due to certain precipitating circumstances in their home area such as droughts, stock diseases/ bovine epidemic or stock theft. This information was corroborated by several oral informants including David Reuben Lunani, OI, 2004; Ford Marofu, OI 2004.

Further, whenever signs of a food shortage either within households or the community as a whole emerged, relief lands were allocated to individual households for cultivation of quick-ripening crops.[50] This was carried out under the supervision of the Liguru and the local village elders. With time, portions of lands used as relief lands were allocated to individual families with full rights of ownership and appropriation. The families with many sons needing more land to sustain their families after marriage are the ones that benefited most from this exercise. Later, these lands passed onto heirs in the families, thus attaining the status of family lands.

Next, lands under the control of clans in the form of uncultivated bushes entailed a strategic food reserve of wild fruits, tubers, vegetables, edible leaves and wild game. These food reserves bailed out many families facing food shortages and were an important source of supplementary foods to the Kabras. During the pre-colonial period and well into the 1920s, uncultivated bush land was the most important source of reserve lands required to meet both individual and communal needs among the Luhya people. This aspect has been well articulated by pioneering economic studies and others done in recent times.[51]

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[50] Similar lands called "Emilimilu" among the Maragoli were opened up and planted with sweet potatoes on a communal basis. In some instances, sections of relief lands were allotted to the Liguru and were cultivated by village work parties on a communal basis. The harvests were stored in the Liguru's gigantic granaries to feed visitors, needy families or very old couples.

[51] For further details, see the report on the use of relief lands in KNA Village Surveys, 1946; Gunter Wagner, *The Bantu of North Kavirondo*, Vol.1 (Oxford University Press, London, 1949) p. 78: Gunter Wagner, *The Bantu of Western Kenya: With Special Reference to the Vugusu and Logoli.* (Oxford University Press, London, 1956); Danson Esese,"Agriculture and Socio-economic Change among the Wanga of Western Kenya, 1860-1945" MA Thesis, Kenyatta University, Nairobi, Kenya. 1992, Chap 2.

After making the foregoing observations with regard to the types of land among the Kabras, it is pertinent to make a clarification in the form of an emphasis at this juncture. Land acquired by the right of first cultivation and not by inheritance was referred to as individual land. It was acquired by opening up a cultivation area from the uncultivated bush land (omutsuru). Most of these lands were hived off from the nearby forests such as Malava forest and the empty forested lands between the land of the Kabras and the Nandi across the Kipkarren and Nzoia Rivers. Though rare during the 18th and early 19th centuries, individual lands increasingly became prevalent during the last quarter of the 19thC and running into the first two decades of the 20thC. Oral sources assert that this was as a result of rapid population increase within households and the reduction of the no-mans lands between different communities in the region.

The mode of land acquisition on clan basis among the Kabras (like the rest of the Luhya) played an important role in determining the trajectory of the resulting settlement pattern. The settlement pattern among the Luhya sub-groups revolved around close neighborhood relations where clans coalesced together into clusters. Indeed, this system of land acquisition and ownership separated by mutually recognized unoccupied land reinforced this cluster pattern because it ensured the existence of a swathe of empty lands between different clan settlements. This led to the evolution of the last category of land generally referred to as the no-man's lands. These lands that belonged to no single clan formed a mutually recognized divide or boundary between distant clans or different sub-ethnic groups. These uncultivated lands usually increased in size when one clan moved further away. Given that they did not belong to any individual community, the no-man's lands

could fall under the use of the clans nearest to them.[52] As pointed out above, individuals from families that acquired pieces of land here had full ownership rights.

To warp up the discussion on this aspect, it can be asserted that the system of land ownership among the Kabras incorporated rules and regulations that assured individual clan members open access to common pastures. However, like in the case of tilling land, each clan member had to observe certain principles of sound ecological management with regard to community pasture resources. Rights to portions of community land for individual utilization in the form of either crop fields or the establishment of homesteads among the Kabras was based on membership to the clan.

However, clan membership was not always an automatic assurance of express access to land within the community. Certain cultural, legal and community expectations were required of all members of the clan in order to qualify for express rights to land. Murderers, those guilty of practicing witchcraft, incest or arson were stripped of their rights to land. Similarly, those convicted for stealing livestock from their kinsmen were also stripped of their rights to land, including access to communal pastures and timber.

On the whole, there were limited transactions involving change of ownership of land among the Kabras. It should be emphasized that family lands hardly changed ownership.

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[52] Among the Wanga, such lands were increasingly used by their Kings to increase their power and control over land matters. For instance, while the rest of the Luhya sub-groups allowed individuals allotted portions here to exploit all the resources fully, among the Wanga this was not the case. Here, one could only use the land to grow crops but any other benefit accruing from such lands, for instance valuable items, minerals or elephant tusks had to be taken to the Wanga King, Nabongo as an appreciation for the land. See for instance, KNA, DC/EN.3/3/2 *Abaluyia Land Law and Customs*, Part II, 1946.

Such lands were governed by strict customary regulations that facilitated the passing of rights from father to son. Such rights were inalienable and no one, not even fellow clan members could use such land without the express permission and approval of the family members and the local clan elders.

In respect to the above, it is important to point out at this juncture that in spite of the predominance of patriarchal values and institutions in the system of land ownership, women were accorded significant and at times, decisive powers over family lands. Under certain circumstances (and as we shall see in Chapters Four and Five on the A Million-Acre Settlement Scheme), women could be empowered to own land in their respective individual capacities. Indeed, among the Luhya as a whole, the customary law on land also recognized and upheld women's rights to land and their power to sue. Though women did not own land absolutely in their individual capacities as men did, they never the less possessed certain rights to land and powers to sue for eviction in the event of trespass. Most of the conflicts over land involving women arose out of male relations in the family trespassing over land owned and cultivated by widows.

The customary law on land recognized the rights of widows to their late husband's land but on condition that they remained on the land, maintaining the homestead and cultivated the land. Such women acquired higher levels of rights to such lands beyond the usual usufruct provisions. Upon a widow's death, the land reverted to her sons. However, if a widow left her matrimonial home and opted to re-marry elsewhere, she lost her rights to the land. If she had sons and moved with them to her new matrimonial home, they had

rights to claim their late father's land back when they matured and got married. Members of the clan and neighbors were enjoined in ensuring the protection of such women's rights to their land and those of her younger sons.[53]

In such a context therefore, it is tenable to opine that a woman could own land and resolve disputes involving boundaries in spite of the presumed belief to the contrary. For instance, if a woman's husband died and a case arose over land belonging to her late husband (especially one of trespass), she was permitted to attend the court sessions and give evidence.[54] During the court sessions, elderly male members of her family were required to assist her in her presentations and defend her rights accordingly. Similarly, mothers and their sons played complementary roles in the protection of family lands. For instance, if a father passed on, his eldest son (or any son entrusted with ensuring the welfare of the family) assumed the rights to settle boundary disputes and trespass.

However, such a son's evidence in a Court hearing was only admissible if it was corroborated by his mother who was also required to attend the court sessions and give evidence. This then demonstrates that among the Kabras, though land was inherited along paternal lines and in order of seniority, women also played very important roles in system of land ownership and in the protection of family rights to land.

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[53] The status of women in the sphere of land ownership and especially inheritance has been a focus of many studies. However, for purposes of our discussion here with particular reference to widows and the indigenous legal structures governing the inheritance of family land, see for a brief outline in the *Report of Committee on Native Land Tenure in the North Kavirondo Reserve,* 1930 pp. 7-8.

[54] For details regarding the legal provision of women's rights to sue and evidence, see *Abaluyia Land Law and Customs* 1946, Section 108.

The council of elders, sitting under the auspices of the Liguru resolved all land matters both within and between clans and families. As demonstrated in the foregoing sections, the Liguru also acted the principal adjudicator in any conflict involving land. He was empowered to impose fines in the form of grains, cowrie shells or livestock on those found guilty of breaching laws on land ownership and its usage. The Liguru had authority over all clan heads and his functions traversed the entire spectrum of legal and political matters affecting his people. In extreme circumstances and where matters seemed to be more difficult than his office could handle, he sought the input of the immediate elders of the neighborhood.

2.7 Conclusion

During the late pre-colonial period, the area covered by the present Lugari Division and the neighboring expansive plains had two distinct forms of land ownership. While the nomadic pastoralist Maasai and semi-permanent Nandi system was based on extensive pastoral economy that under the sedentary Kabras revolved around intensive permanent settlements and crop fields. Contrastingly, while the pastoralist system of land ownership was less stratified, that under the Kabras was very complex. In both instances however, land was first acquired along clan basis. Thereafter, settlements also followed a pattern of clan clusters. With regard to the Nandi, clan settlements (pororiet) were under the leadership of a council of elders known as Koret. The Koret oversaw all matters pertaining to land and the welfare of the community. The Koret sat under the auspices of the "Chief Warrior" or "Chief Commander" entitled Kok.

Like the rest of the Luhya, the Kabras sub-group possessed composite customary, legal provisions that guided land ownership matters. As stated above, land was first acquired at clan level either on the basis of first occupants or through clearing bush to create new farmland. New land could also be acquired in several other ways, e.g. from the community's reserve lands to expand the homestead area following a corresponding need arising out of the dynamics of the household structure. Further, land could be acquired by members of a given clan from the no-man's stretch between two different groups.[55] Among the Nandi and other Kalenjin groups, land was also acquired on first occupation basis or by displacing the previous holders through warfare.

In both instances, once acquired, the land fell under the overall management, supervision and protection of the respective Council of Elders. In regard to the Kabras, the Liguru and the elders of a neighborhood comprised a powerful land authority whose responsibilities went beyond resolving land issues to the overall control of the legal and socio-economic affairs of the community. This is the same role that the Koret played among the Nandi. Together with the Kok, the Koret scheduled out land for different purposes, establishing the community's pastures, common paths, watering points, vegetable gardens and settlement areas.

On the part of the Kabras, clan lands were usually subdivided and allotted for individual use on clan basis under the leadership of the heads of clans supervised by the local clan elders. In turn, the clan heads allotted the land to respective families under their tutelage.

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[55] See Danson Esese, "Agriculture and Socio-economic Change.....1990" Chap. 2

At the household level the land was individually allotted, owned and cultivated. This system thus, allowed for the general communal ownership of land at the surface level but individual allocation and cultivation of land on the ground. This shows that two different households, wives or brothers could not cultivate the same piece of land simultaneously.[56]

Generally, throughout the pre-colonial period, every individual member of a clan had rights to family (and hence clan) lands that were inalienable except under certain precipitating circumstances. The rights an individual held to any apportioned parcel of land were heavily subject to specifically laid down rules and ethics of land use. These regulations ensured the protection of the rights of posterity to that land. These customary land ownership regulations and restraints played a crucial role in ensuring that the entire spectrum of the Luhya land law and custom prevailed over personalized and individualized interests that could endanger the availability of the land to posterity.

Members of a family were required to have full knowledge of the extent of their entire homestead land holdings and property. Though on the surface women possessed only usufruct rights to land, they never the less had certain inalienable rights to land as widows. They also played a very important role in the smooth operation of the land inheritance system within the family by providing the kinship and maternal fulcrum around which the patrilineal land inheritance system revolved.

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[56] KNA: *Abaluyia Land Law and Customs,* 1946, p.3.

Among both the Kabras and the Nandi, their respective system of land ownership and the attendant crop production and livestock keeping activities provided the economic mainstay and basis of socio-economic reproduction of the community. The system enabled every eligible clan member to have access to land for establishing a homestead, food production and for pasture. It is argued that the firm control of land and its strategic natural resources vested in clan elders facilitated its rational use and ecological preservation. The pre-colonial agricultural and livestock keeping activities were carried out within the wider context of a multiplicity of communal resource access and utilization regulations.

The establishment of colonial posts at Mumias and Kakamega marked the advent of colonial rule in Western Kenya. These posts marked a major transitory stage in the system of land ownership because they facilitated the process of land alienation. As it will be demonstrated in Chapter 3 below, colonial rule and its attendant institutions of land alienation, the creation of over-crowded Native Reserves for Africans, forced labor and taxation policies impacted negatively on the socio-economic welfare of the Kabras and Nandi in diverse ways.

CHAPTER THREE

3.0 Colonialism and Changes in the System of Land Ownership in the Present Lugari Division, 1904-1935.

3.1 Introduction

The history of colonialism and particularly the violent establishment and sustenance of colonial rule in Kenya is a subject that has attracted immense scholarly interest.[1] On the whole, the theme of imperialism in relation to the varied strategies adopted by different colonial powers to subjugate different African communities has equally attracted a wide academic attention. This is especially given the fact that different African communities responded to European imperialism and colonization in different ways and under different circumstances.[2] In East Africa for instance, while the British established their colonial control over Uganda in a more peaceful manner, they met protracted resistance in most of the remaining areas of their East African colonial possessions.

This chapter begins with a brief overview of the establishment of colonial rule and its attendant institutions in Western Kenya. The analysis then moves on to contextualize colonialism in the ambit of the system of land ownership in Lugari Division. Next the discussion focuses on the impact of colonial land alienation policies on the system of land

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[1] There is a wide diversity of readings on this theme. For a quick glimpse, see for instance, Adu A. Boahen, ed. *UNESCO General History of Africa: Africa under Colonial Domination, 1889-1935.* Vol. 7 (London: James Currey; Berkeley, California: University of California Press; Paris: UNESCO, 1997); L. H. Gann, & Peter Duignan (eds.) *Colonialism in Africa, 1870-1960.* (London: Cambridge University Press, 1975); P. Gifford & W. R. Louis (eds.) *France and Britain in Africa: Imperial Rivalry and Colonial Rule.* (New Haven: Yale University Press, 1971).

[2] For a discussion of these aspects, see e.g. Gregory Maddox (ed) *Conquest and Resistance to Colonialism in Africa.* (New York: Garland, 1993); Thea Büttner and Hans-Ulrich Walter (eds.) *Colonialism, Neocolonialism, and the Anti-imperialist Struggle in Africa: Marxist studies on the Berlin Conference 1884/85.* (Berlin: Akademie-Verlag, 1984); G. H. Mungeam. *British Rule in Kenya, 1895-1912: The Establishment of Administration in the East Africa Protectorate.* (Oxford: Clarendon Press, 1966).

ownership. This discussion is juxtaposed alongside that on the two Commissions formed to investigate land ownership crises in North Kavirondo Reserve. The Chapter ends with a brief assessment of the impact of these Commissions on the land question in African Reserves.

3.2 Colonialism and the Advent of a New Authority in the Land.

After suppressing the initial wave of anti-colonial resistance from various African communities, the British established their first administrative control over the then Uganda Protectorate in 1894. The year 1894 is important in the history of Western Kenya and the then British East Africa protectorate as a whole because it marks the time when Sir Harry Colville, the first Commissioner of the new government of the Uganda Protectorate established an administrative sub-station at Mumias. By this time, much of the present Western and Nyanza provinces were administered from Uganda because this block of land comprised part of the Eastern province of the Uganda protectorate. The British government had hitherto taken over the full mandate of the Uganda protectorate on 18th March 1894 from the Imperial British East Africa Company (IBEA Co.) that had been given the mandate to run Britain's colonial possessions in Eastern Africa.[3]

After establishing their new administrative station, the British launched numerous military expeditions against those African communities that continued resisting their rule

[3] The British colonial office carried out these administrative changes that involved the appointment of a Commissioner to run the colonies because the Company had failed to contain the African resistance movements and other activities against British authority. Once established, Sir Colville put the new sub-station under the charge of his valet, Sir Frederick Spire. For further details in this respect, see for instance, Danson Esese, "Agriculture and Socio-economic Change..."1990, p.19; J. R. Dealing, "Politics in Wanga." 1974, p. 308.

throughout their East Africa Protectorate. In Kenya in particular, the period between 1895 and 1907 bore the brunt of these military campaigns aimed at "pacifying" resisting African communities. The use of military coercion and brutal administrative measures to impose colonial rule over the African communities led to the rise of African resistance movements and activities. African anti-colonial resistance was precipitated by the fact that this period also marked the phase of land alienation where huge chunks of the most fertile lands were forcefully taken away from African communities and turned into exclusive European settler farms and to create Crown Lands.

The resistance became more aggressive because land alienation occurred side by the side with the creation of Native Reserves for African communities. Squeezed into densely populated villages with no land for expansion, most African communities started feeling the suffocating effects of land alienation hardly a decade into the colonial era. To add to the biting land shortage in the Reserves, various taxes and forced labor on public works were imposed on the Africans, thus worsening conditions that had already started deteriorating. This then explains why at the core of the resistance activities among the Nandi, Maasai, and Luhya sub-ethnic groups in the geographical vicinity of our area of study, was the question of return of the stolen lands and an end to forced taxation and labor.[4] In spite of concerted efforts among Africans, resistance to British colonial rule waned slightly in the face of brutal response from the British forces.

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[4] Colonial taxation and forced labor acted as powerful motivating forces for African resistance activities. African resistance met brutal response from British colonial forces. The colonial office sent out forces to crush any African resistance. For instance, in 1895 military expeditions were sent to conquer the Banyala, Banyore, Maragoli, the Luo of Buholo, the Bukusu, Nandi and Kabras. Next, a series of expeditions were sent against the Nandi in 1901, 1905 and 1906; the Embu in 1904 and 1906; the Gusii in 1904 and 1908; the Kipsigis in 1905 and again against the Bukusu and Kabras in 1905 and 1907. For

On the whole, there is vast literature on the specter of colonialism in East Africa that needs no further overemphasis here.[5] Suffice it to assert that the entrenchment of colonialism as an economic predatory and extractive system was achieved through violent conquest, repression and exploitation of the indigenous African communities. Like in most parts of Africa, different Kenyan communities put up spirited resistance to colonial rule and its attendant institutions. But resistance to colonial rule was not uniform all over East Africa. In most cases, the nature, pattern and trajectory of the resistance strategies were heavily influenced and determined by the intersection between local obtaining factors and external imperial variants.[6]

It is not the intent of this study to revisit the details of the British colonial phenomenon in Kenya but suffice it to note that the process of colonization is variedly significant to this study. This is because central to British imperialism was the urge to exploit the colony's land, labor and raw materials. Unfortunately, these were the same economic resources and factors of production and reproduction that entailed the core of the African economy. Consequently, conflict between the British colonial economic aims on the one hand and the struggle by Africans to safeguard their means of economic production on the other

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more details, see e.g. James R. Dealing, "Politics in.....1974, pp. 312-324; W. R. Ochieng' (ed.) *Politics and Nationalism in Colonial Kenya. Hadith 4* (Nairobi: EAPH, 1972), p. 63.

[5] There is perhaps more extensive literature on this theme than any other on the Kenya's history. For purposes of our area of study, see for instance, J. M. Lonsdale, "The Politics of Conquest: The British in Western Kenya, 1894-1908." *The Historical Journal*, Vol. 20, No. 4 (Dec., 1977), pp. 841-870; A. T. Matson, *Nandi Resistance* ...1972; G. H. Mungeam, *British Rule in Kenya, 1895-1912* (London: Oxford, 1966), pp. 171-180.

[6] There are numerous sources on the subject of decolonization in Africa. For a informative reading, see for instance John D. Hargreaves, *Decolonization in Africa*. London; New York: Longman, 1996. (2nd ed) and David Levering Lewis, *The Race to Fashoda: European Colonialism and African Resistance in the Scramble for Africa.* New York: Weidenfeld & Nicolson, c1987. (1st ed)

became inevitable. The colonial economy quickly coalesced into a self-contradicting capital accumulation system.[7]

3.3 **Contextualizing Colonialism and Land Ownership in Lugari Division**

The discussion in Chapter Two shows that as the 19thC drew to a close, inter-ethnic contestation for the control of the fertile pasturelands encompassing the present Uasin Gishu, Nandi and Lugari Districts escalated. In our view, this escalation was precipitated not only by internal societal dynamics emanating from population increase and improved and crop and animal husbandry but also from the interaction between local and regional exchange systems. The period between 1860 and 1880 was marked by a tremendous expansion in local and regional trading networks between the East African coast and the interlacustrine region straddling across the Rift Valley. This mercantile activity flourished under the auspices of the emerging local trading class and international traders.[8]

The expanding commercial networks and activities also brought in an increasing quantity and diversity of weapons of offense and defense and farming tools and technology.[9] The

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[7] This aspect has been well argued by Bruce Berman and John Lonsdale, "Coping with the Contradictions: The Development of the Colonial State 1895-1914" in Bruce Berman and John Lonsdale (eds.) *Unhappy Valley, Book One: State and Class* (London: James Currey, 1992) pp. 77-126.

[8] The process of economic change in 19th C East Africa embracing growth in commerce and agricultural innovativeness provided a great impetus to the overall process of socio-economic change. For an overview of these aspects, see for instance, Abdul H. Sheriff, "The Dynamics of Change in Pre-colonial East African Societies" in *African Economic History Review*, Vol. 1, No. 2 (1974), pp. 7-14; Christopher Ehret, "East African Words and Things: Agricultural Aspects of Economic Transformation in the Nineteenth Century" in B. A. Ogot, (ed.) *Kenya in the 19th Century*. Hadith 8. (Nairobi: Anyange Press/Bookwise, 1985).

[9] There are a few studies that focus on agricultural changes that took place in the entire Western region of Kenya. For an overview, see Christopher Ehret, "Aspects of Social and Economic Change in Western Kenya, C.A.D. 500 – 1800", in B. A. Ogot, B.A (ed.) *Kenya Before 1900.* (Nairobi: East African

advent of more versatile and efficient farming iron tools had a major impact on the system of land ownership. The coming of the iron cutlass and the handy hoe rapidly empowered the cultivators over the environment. Similarly, the improved iron weaponry emboldened the military prowess of the Maasai and Nandi communities as the competition to control these fertile lands became more contentious.

These developments are very important to this study because historical sources point to the last two decades of the 19th C as the time when the most protracted battles were fought over the ownership and control of present Uasin Gishu plateau and the neighboring lands. The importance of this geo-military configuration is that these fierce contests were quickly replaced by the coercive establishment of colonial rule. Colonial rule was in turn quickly followed by the forced alienation of land from the African communities. It is therefore conceivable that the twin process of colonial rule and land alienation embittered African communities and especially the Nandi and Maasai who detested losing their sovereignty and lands simultaneously.

Thus, as the 20thC took off, rather than the aforementioned internal and external societal dynamics being the main agents of change among the African communities, the reactive inter-section between colonialism and the Africans took center stage. It is therefore pertinent to point out that the advent of colonialism and its political, social, economic and administrative institutions had a very significant impact on the system of land ownership

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Publishing House, 1976); Nelson A. R. Mango, *Husbanding the Land: Agrarian Development and socio-technical Change in Luoland, Kenya*. Wageningen: Landbouwuniversiteit Wageningen, 2002; Danson P. L. Esese "Agriculture and socio-economic change ...., 1990.

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that was to obtain thereafter both in our area of study and the rest of the Kenyan colony. We feel strongly obliged to make this point because contemporary literature on this theme on Kenya (and the rest of Africa alike) has tended to downplay the centrality of European imperialism and its resultant changes on the institutions laws relating to land ownership among different African communities. The blame has been erroneously put on the presumed pivotal role played by indigenous African land tenure practices.[10]

This poignant point is being re-emphasized because a key component of the contemporary inter-ethnic land clashes in Kenya is the deep-seated belief (especially among the Rift Valley Kalenjin and Maasai communities) that colonial land alienation was but a brief, temporary interruption in their system and pattern of land ownership. This explains why these communities have remained emphatic that the immigrant ethnic groups from outside the province should go back to their respective ancestral lands. Consequently, given the significant role played by the colonial government in instituting new forms of land ownership during (and even after the colonial period), it is necessarily important that this study presents a brief analysis of its impact on the system of land ownership in the area of study.

3.4 Colonial Administrative Changes, Land Ownership and Socio-economic Change

The coercive implementation of colonial rule and land alienation that followed had a major impact on the system of land ownership in not only North Kavirondo but the rest of

[10] The persistence of indigenous tenure structures in Africa has been perceived in some circles as presenting setbacks to agricultural improvement or modernization. See for instance, Shem Migot-Adholla et al. "Indigenous Land Rights Systems in Sub-Saharan Africa: A Constraint on Productivity?" in *The World Bank Economic Review*, Vol. 5, No. 1 (Jan., 1991), pp. 155-175.

the country. The changes wrought by colonialism did not occur in a vacuum neither was colonialism the sole force behind the changes witnessed in land ownership. In our view, the process of land alienation superimposed itself on the pre-existing trajectory that had been put in place by territorial wars. For instance, in the preceding chapter, it was demonstrated that by the 1880s, the military prowess of the Maasai groups had declined substantively and their control of the lucrative Uasin Gishu plateau and surrounding plains had waned significantly. In the last phase of the military conflict between the Nandi and the Naivasha Maasai between 1880 and 1890, the latter were defeated and pushed southwestwards towards the present Narok and Kajiado districts. Therefore, by 1895 the Maasai were no longer a military force to reckon with in this region. It has been observed by Benjamin Kipkorir that by this time, the Nandi supremacy had displaced the Maasai on Uasin Gishu plateau and Trans Nzoia "as they raided for cattle past the Maasai....and extended their attacks to the Mt. Elgon Sabaot, Marakwet and Pokot countries."[11]

Following the military ethno-geographical re-distribution that occurred on the eve of colonial rule, the Nandi had emerged as the strongest military polity on these plains. But as we shall see in the sections below, their newly won military supremacy did not last for long. As it were, the militaristic campaigns and socio-economic prosperity that they had started realizing were rudely halted by the advent of colonial rule. On the other hand, as the wars over the control of Uasin Gishu plateau had waned in the 1890s, most of the groups in this geographical region had began a process of rebuilding their societies and

[11] Benjamin Kipkorir. *People of the Rift Valley: Kalenjin.* 2nd ed. (Nairobi/London: Evans brothers Ltd., 1985), p.3.

economies. This process of economic diversification and expansion was hastened especially after the recovery from the combined impact of the devastating famine and ecological breakdown on the one hand and the rapid expansion in regional and long distance trading activities on the other.[12]

Unfortunately and as alluded to above, this prosperity was quickly followed by the colonial wars of conquest that culminated in extensive devastation of the human and pastoral resources. Following their recent triumph over the Maasai with regard to the control of these fertile plains, the Nandi firmly resisted land alienation, forced taxation and compulsory labor. Their resilience and militancy were manifested in the tough wars fought in 1895, 1901, 1905 and 1906 when they were finally forced to move from the lucrative highlands to the newly-created Nandi Native Reserve bordering the present Uasin Gishu and Lugari Districts. Thus, the onset of colonial rule and the violent dislocation, and re-location of African communities and the destruction of the economy dealt a severe blow to the local economic entrepreneurial spirit in this region. Regina Oboler[13] for instance points out that the imposition of colonial rule among the Nandi in 1905 followed devastating colonial campaigns by the British that decimated more than half of the entire Nandi herd.

The violent removal and relocation of the Nandi was just but one of the many crises to face the Nandi. First, the Reserve had inadequate land and pastures to sustain their huge

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[12] Helge Kjekshus, *Ecology Control and Economic Development in East African History.* (London: Heinemann, 1977).

[13] Regina S. Oboler, *Women, Power, and Economic Change: The Nandi of Kenya.* (Stanford, Cal: Stanford University Press, 1985), pp. 7-8.

pastoral economy. To avoid over-grazing in the Reserve and the infringement on the Scheduled Areas by the large Nandi herds, the colonial administration immediately began a de-stocking campaign. The socio-economic conditions of the Nandi declined significantly as the colonial government alienated more land to create exclusive European settler areas known as the Kaimosi Farms. This process of weakening the economic (and hence, political and military) power of the Nandi was heightened with the enforced culling of the Nandi livestock. A rinderpest epidemic added to the woes by claiming part of the herd that was rejuvenating. The Nandi were, henceforth, economically weakened.

The twin process of land alienation and de-stocking had a devastating impact on the economy of the Nandi. Perhaps, this accounts largely for the persistent claims for their ancestral lands in the Rift Valley. In many ways, the Nandi perceived the loss of their fertile lands at the hands of the British colonial forces as an unjust phenomenon and which they would strive to fight back whenever possibilities allowed. It is in this light that they joined the Kenya African Democratic Union (KADU), a political party based on some form of regional (Majimbo) government system.[14] Under the previous proposed KADU constitutional provision, each community was to be in charge of their ancestral areas and resources. Indeed, this comprises the backbone of the conceptualization of the system of land ownership among these people in the present times and accounts for their persistent ancestral claims to the Rift Valley lands.[15]

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[14] In local terminology, this is referred to as "Majimbo" a sort of Federal government arrangement.

[15] The Nandi were very frustrated when, upon the attainment of independence a large proportion of their former lands were turned into settlement schemes under the A Million-Acre Settlement Scheme program and allocated to other communities from outside the Rift Valley. The Kalenjin still occupy illegally the lands they seized forcibly from non-Kalenjin speakers during the past ethnic conflicts.

In addition to land alienation and forced de-stocking, the Nandi were also faced with the burden of paying Hut and Poll tax. Initially, they were allowed to pay the taxes in kind (especially in the form of livestock which was later sold to raise monetary income). The Nandi were extremely unhappy with this enforced requirement and in most cases, only gave up old, sick or unproductive stock. The reluctance on the part of the Nandi to surrender prime stock that could fetch high incomes on the market equally infuriated the colonial administration. Like in the rest of the colony, payment of tax in kind was discontinued and replaced with cash payment. This new fiscal requirement presented the Nandi with three options: they had either to sell their prime livestock to raise money for taxes, seek wage labor or cultivate the new cash crops and sell them on the market for monetary income. Most of the Nandi households opted to cultivate cash crops.

Thus, as the colonial administration enforced the new taxation measures between 1908 and the end of World War I, the Nandi experienced more economic distress coupled with increased pressure to cultivate the new cash crops as a way of escaping the harsh punishment against tax defaulting. In fact, the colonial officials emphasized the need for the Nandi to devote more land and time to these new cash crops instead of livestock because they were very reluctant to sell their livestock for money to pay the taxes![16] To survive, the Nandi had to raise more livestock than allowed under the law. Since the de-stocking policy and limited pastures in the Reserves could not hold more herds, the Nandi sought relief from the Kabras in the form of passage to pastures. Some Nandi families also made arrangements to have part of their herds kept by the Kabras friends for

[16] There were intense struggles between the colonial tax collectors and the Nandi over the demand for prize stock in lieu of taxes. For a detailed discussion, see A. T. Matson, *Nandi Resistance*...1972, Chaps. 5-6.

safekeeping to avoid de-stocking raids from colonial authorities. However, it should be noted that the changes imposed by colonialism on the system of land ownership and the laws forbidding the free operation of agricultural production and exchange activities were not limited to the Nandi alone. The Kabras and other African communities in various Native Reserves were also feeling the brunt of colonial rule. Let us turn to the events unfolding among the Kabras to the west of Uasin Gishu.

Following the establishment of colonial rule over Western Kenya and the rest of the colony, the Kabras together with the other Luhya sub-groups occupied the newly created administrative region known as North Kavirondo District.[17] It was classified as a Native Reserve with 25 locations each under an official headman. A very fertile, well-watered country interspersed with rolling plains and valleys,[18] the district comprised of Native lands covering 2,455 sq. miles stretching from the foothills of Mt. Elgon in the west to the Nandi Native Reserve and Kaimosi Farms in the east bordering on the European settler areas of Uasin Gishu and Trans Nzoia districts. To the south, the area was bounded by the Central Kavirondo Native Reserve occupied by the Luo speakers while to the west the district reached the then border between Kenya and Uganda Protectorate territories, stretching northwards to reach Mt. Elgon. The Kabras occupied the northeastern-most corner of the reserve stretching across the present Lugari and Kakamega district boundaries.

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[17] Prior to 1902, the area covered by this district and the Central and Southern Kavirondo districts formed part of the then Eastern province of Uganda Protectorate.

[18] Norman Humphrey, *The Liguru and the Land.* (Nairobi: Government Printer, 1947), p. 1.

Soon after the phase of colonial conquest and partial subjugation was attained, the colonial office immediately proceeded to the next stage of enforcing administrative control over the various African communities. The most critical step towards this goal was to bring into their fold powerful and influential African communities and their leaders. Adopting a two-pronged policy of strategic co-optation and military intimidation, the colonial administration however met mixed responses on the imperial front. While some powerful African communities and their leaders resisted fully the seduction by the colonialist to serve them, others were convinced positively and jumped on the colonial bandwagon.[19]

Like other communities in Kenya, the Kabras began feeling the brunt of colonial repression, violence and exploitation when taxes were forcefully imposed on them. As oral sources[20] emphasized, hitherto untaxed, many Kabras households did not understand the rationale of such fiscal measures that were implemented with extreme brutality. These taxes were paid in kind, especially in the form of livestock and valuable food grains such as finger millet, and later, beans, maize, and a few other acceptable grains. These commodities were sold on the open market and the money accruing from the sales

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[19] In western Kenya for instance, Chief Nabongo Mumia the King of the Wanga dynasty of the Abashitsetse, proved to be of great strategic help to the British. After strong promises of power and grandeur and an elevated position under the attractive title of "Paramount Chief", Nabongo Mumia agreed to work with the British in their colonial project. He was soon crowned 'Paramount Chief' of the North Kavirondo Reserve. On November 15 1909, as a show of gratitude, the British appointed several of Mumia's half brothers and close relatives as chiefs or rulers over distant ethnic communities and other sub-groups of the Luhya people. Nabongo Mumia's half-brothers were installed as chiefs over diverse communities in Western Kenya. For instance, Murunga, his half-brother was installed as chief over North Bukusu (North Kitosh); Mulama, over the Marama; Kadima over the Samia; Wambani over the Batsotso; Mwanza over the Kabras and Were over the Luo of Buholo.

[20] Several oral respondents emphasized this point, including Moses Wamocha, Moses (a retired senior chief), OI, Chevaywa, Kivaywa Dec. 2004; Daraja Sirengo, OI, Dec. 2004 among others.

converted into fiscal income. However, given the instability of the market prices for such products, this system did not bring in the expected fiscal revenue.

From 1912, the government changed the policy and required all taxes to be paid in monetary form. Like the Nandi to the east, the Kabras were irked by this new policy that forced many of them to sell their prime stock to raise money to pay taxes while some families sent out some members to seek wage labor. As expected, the resistance to tax payment was met by increasing levels of brutality and injustice by the tax agents, whose motivation to bend the law was enflamed by the side bonuses they pocketed from this exercise.

Therefore, the period between 1907 and 1914 when colonialism sought to entrench itself in this area there were protracted struggles for control between the nascent African nationalist initiatives on the one hand and the oppressive colonial institutions on the other. As one of the oral informants asserted verbatim:

> "When the colonialist came, the changes that we experienced were many. First, he introduced taxes. Then he made the payment of these taxes a must. Every adult man had two taxes to pay. The first tax was that one on your head for being a man. A second tax was the one you paid on the hut in which you slept with your wife and family. Even the land on which we grew crops and built our homes, the colonialist changed everything. There was this harsh law that barred one man from stepping his foot in another man's land. You could not even go there to cut grass to repair the thatch on your house. Your livestock could not go there to graze unless he allowed you. Within a short time, things changed and became very difficult. Especially in matters of land ownership things changed drastically.[21]

[21] David Reuben Lunani, OI, Chevaywa, Kivaywa, 2004.

The foregoing verbatim translation of the sentiments expressed by this oral informant demonstrates the brutality of the new colonial administrative measures. These changes were not limited to fiscal matters alone. Both oral and archival sources suggest the rapid spread of discontent among the Africans in the Reserve over land alienation, heavy taxation and forced labor. Africans became increasingly resentful to tax payment and other dues such as cess on crops because these measures were forcing them to convert more and more portions of their grain yields and livestock assets into tax. This situation contributed to the intensification of discontent accentuated by declining landholding sizes throughout the North Kavirondo Reserve in particular and rest of the North Nyanza province on the whole.[22] But the Kabras were not mere passive cogs in the colonial scheme. Indeed, when the brutality and apathy generated by tax collection became unbearable, the Kabras elders joined efforts to resist both the British and Chief Mumia's imperial rule. They armed themselves and chased Chief Mwanza out of Kabrasland.[23]

3.5 Land Ownership in the Present Lugari Division during the early Colonial Period, 1904-1935

The demographic re-distribution and military re-alignments that marked the waning of the territorial wars over the Uasin Gishu plateau (and the neighboring plains) during the late 19th C culminated in new settlement patterns of the affected ethnic groups. For instance, as mentioned above, the Nandi had displaced the Maasai from their previous stronghold of the Uasin Gishu plateau and pushed them westwards and southwestwards

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[22] According to the Hut count carried out by the colonial administration in 1915/16, the Kabras population stood at approximately 9,750 people. They occupied an area of approximately 200 sq. miles and their population density figure stood at 49 persons per square mile. Norman Humphrey *The Liguru*...1947 contends that of the total agricultural land holding per family, only 3.1 acres could be put to effective use.

[23] Chief Mwanza was replaced by one of the local Kabras chiefs named Nganga, son of Shitanda. Chikamayi in turn succeeded Nganga. Shitanda ruled to be succeeded by his son called Mulupi.

towards the present Lugari district. While some Maasai settled in pocket areas among the Nandi in the Kipkarren -Kaimosi belt, others were forced to seek refuge among the Kabras between the Kipkarren and Nzoia rivers in Lugari District. Several other clusters went further southwards to settle among the Tiriki, Isukha and Idakho sub-groups while some were to be found at Chief Mumia's court serving as military advisers and mercenaries. From their newfound homes in Kabras and Chief Mumia's Wanga kingdom, these Maasai organized large-scale raids for livestock from the neighboring Bukusu and Teso people of Bungoma District to the North and the Luo of Gem and Ugenya to the south[24]

The new ethno-geographical distribution of these groups engendered a new paradigm into the system of land ownership. Due to the diminishing land sizes among the African communities, land ownership was now more than ever before, pegged to the two parameters of claim to land and active utilization or occupation. This development however, did not augur well for all communities, especially the Nandi and Maasai who had been used to staking out claims to vast expanses of pasturelands, some of which were only grazed seasonally a couple of months in a year! The pressure on land was most felt between the Maasai and the Nandi on the one hand and the Kabras and a few neighboring Luhya sub-groups on the other. The Kabras bore the brunt of this pressure, they being right at the doorstep of these two pastoral communities.

[24] See John M. Lonsdale, "The Politics of Conquest: The British in Western Kenya, 1894-1908" *The Historical Journal*, Vol. 20, No. 4 (Dec., 1977), pp. 848-849.

This inter-ethnic tension had a significant impact on the system of land ownership in Lugari Division. The impact was felt heavily because the underlying principles directly influenced the contemporary inter-ethnic contests and claims over land in the Lugari/Uasin Gishu and Lugari/Nandi districts borderlands. Indeed, as demonstrated in the preceding chapter, by the time colonial land alienation was taking root in Central province and other parts of the Rift Valley and Western Kenya, the African communities in these areas had already started feeling the effects of a rapidly increasing population density against declining household farmland acreage.

3.6 **Colonial Land Policies, Land Ownership and Socio-economic Change in Lugari Division.**

After the establishment of colonial rule and the attendant legislation legalizing land alienation, the system of land ownership among different African communities in Kenya was heavily determined by the new colonial land policies. In the absence of any viable mineral deposits, the British became keen on turning around the economic entrepreneurship of the Kenya colony based on agriculture. Essentially, the British believed that land was the most critical economic asset that the new colonial economy in Kenya (and East Africa as a whole) offered as a versatile source of capital accumulation.[25] This explains why upon the declaration of the protectorate government over the colony, all land was declared Crown Land.

By virtue of this declaration, African communities lost their ancestral claims to land and were turned into tenants of the British Crown. All land that was deemed as unoccupied,

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[25] John M. Lonsdale, "The Politics of Conquest: .....(Dec., 1977), pp. 841-842.

including all the tracts of land used by both pastoralist and sedentary communities as reserve land for increasing production during lean times or for seasonal pasturing were all dissolved and turned into Crown Land. This policy move is very significant to this study because it is from this juncture that the British began configuring the system of land ownership among different communities in the colony. For instance, after this landmark policy announcement, the colonial administration surveyed and parceled out land in the colony in line with its economic objectives and imperial designs. These encased the provision of land for large-scale (European) commercial farming and demarcated enclosures for Africans.

In the elevated and most fertile and arable parts of the colony, the government created the "Scheduled Areas" (White Highlands) exclusively for white settlement. All the land in the present Uasin Gishu and Lugari District was alienated to create Scheduled Areas. Next to these were the North Kavirondo and Nandi Native Reserves for settlement by African communities, strategically located in the proximity of the European farming enclaves to provide sources of cheap labor.

The huge tracts of fertile land and pastures that were hived off from the land hitherto owned by the Kabras and Nandi to create the European farms in the present Lugari Division precipitated wide-ranging changes within the indigenous systems of land ownership. Above all, colonial land alienation made it difficult for the African communities to continue practicing their pre-colonial land ownership and land use system. Among the first casualties in this context were the clan reserve lands, clan

pastures grazed by the Nandi stock and the no-man's lands between the two communities. In the period leading up to 1923, the Nandi engaged in silent protest against the biting land shortage, taxes and forced labor.[26]

After the creation of the African Native Reserves in different parts of the colony, the colonial administration under the auspices of the Native Affairs Department, proposed the introduction of a new system of land ownership based on registration and individual title. Consequently, all land in the Native Reserves was to be consolidated, surveyed, demarcated and permanent boundaries established. Next would follow the registration of each parcel under an individual owner. Letters of allotment were to be issued to individual owners who, in all cases, were the heads of households. Later on, individual title deeds were awarded to the respective heads of household in whose name the land was initially recorded.[27]

To achieve effective restructuring of the so-called "native" system of land ownership, the colonial government created new administrative boundaries that tended to follow ethnic (and in some cases, clan) limits. The colonial government dissolved and then alienated all clan pastures and the reserve land between different communities. The crucial role played by such reserve lands has already been discussed and need no over-emphasis here. But suffice it to say that among the Kabras like elsewhere in Lugari Division, this process

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[26] Diana Ellis, "The Nandi Protest of 1923 in the Context of African Resistance to Colonial Rule in Kenya." in The *Journal of African History*, Vol. 17, No. 4 (1976), pp. 555-6.

[27] Simon Coldham, "The Effects of Registration of Title upon Customary Land Rights in Kenya." *Journal of African Law*, Vol. 22, No.2 (Autumn, 1978), 91 – 111.

resulted in the loss of land that meant for allocation to maturing sons as they got married (whenever land shortages occurred in families).

Indeed, most clans used such reserve lands to settle expanding household numbers and increasing food productivity whenever the situation demanded. Thus, in more than one way these agrarian changes and policy measures were in themselves a portend precursor as to the multi-faceted agrarian crises that lay ahead with regard to the question of African freedom and land ownership. In such ways, the new colonial policies on land ownership impacted negatively on the socio-economic welfare of the affected rural Kenyan communities.[28]

The new colonial land use regulations, individual parcel registration and other related ordinances caused both structural and utilization changes in the system of land ownership among the Kabras. To begin with, the British colonial office dissolved all the pre-existing boundaries demarcating communal pastures that belonged to different clans in the area. These were replaced by new clan and ethnic boundaries based on the village-ridge system (i.e. Lugongo). This new system virtually forced African communities into overcrowded villages. These villages experienced faced severe shortage of pastureland. The colonial administration simply dissolved clan pastures and demarcated them as open resources to all neighboring clans or ethnic groups.[29] This decision accentuated the tension between

[28] Barbara Knapp Herz, "Demographic Pressure and Economic Change: The Case of the Kenya Land Reforms." Ph. D Thesis, Yale University, Washington, DC, 1974.

[29] This information was obtained from oral respondents and especially Charles Okwemba Mahuve OI, Lumakanda, Munyuki, 2004; Zebedayo Wanyama, OI, Chevaywa, Kivaywa, 2004; Mafunga Wambulwa, OI, Sergoit, Kilimani, 2005.

the Nandi, Kabras and remnant Maasai groups all of whom competed for the demarcated "open" pastures in the present Kipkarren River area of Lugari Division.

In the end, the dissolution of clan pasture boundaries aimed at diffusing tension between the Kabras and Nandi over lack of sufficient pasture and farmland did not attain its objectives. Instead, it led to a rapid escalation of inter-ethnic contestation over land and clan boundaries that persisted throughout the colonial period.[30] The reduction in farmland sizes in African areas affected agricultural productivity. Among the first challenges faced by Africans in the Reserves were food shortages and resources to meet the tax demands. This demonstrates that economically, and especially in terms of farm incomes, the colonial period in much of Kenya did not take off on a strong note. For instance, in its inaugural annual report for the district[31] for the period 1917-18, the administration reported increasing cases of inter-clan contestations over land ownership, a situation aggravated by poor agricultural yields.

Inter-ethnic warfare over boundaries and contested land claims were reported along the Wanga-Luo boundary as well as along the Kabras-Nandi border marked by the Kipkarren River. Security forces had already been sent to keep peace between the Wanga and the

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[30] Throughout the colonial period for instance, incessant inter-ethnic warfare over clan boundaries between the Luhya and the Luo to the southwest of the District; the Bukusu and the Wanga sub-groups to the west and the Luhya and the Nandi to the east of the district never abated. In fact this decision was hotly contested by representatives of different African communities – especially the Luhya and Luo clan leaders in 1930 when they gave evidence to the Land Tenure Committee. See Macharia Gaitho, "All this Talk about 'Ancestral Land' is Sheer Resentment", Commentary. *Daily Nation,* Tuesday, February 26, 2008; Kipchumba Some, "How State Land Policy Shaped Conflict" *Daily Nation* February 09, 2008.

[31] Beginning in 1917-18 till 1959-60, the colonial administration published an annual report for the district titled *North Kavirondo District Annual Report*, later changed to *North Nyanza District Annual Report*. These annual reports contain rich information on diverse aspects of the district.

Bukusu (Kitosh) over boundary and land claims to the north. All over North Kavirondo, localized inter-clan and intra-clan contests over boundaries and land were increasing tensions. The poor grain harvests from the diminishing fields compounded the suffering for the Kabras in the Reserve. Oral sources and District annual reports show that socio-economically many households were finding it difficult to pay taxes and to avail resources essential for household reproduction.

One of the key informants[32] stated that four of the five adult males in his family went to serve in the army, leaving only one male adult to handle the heavy work in the fields. Several other respondents[33] also stated that their families were forced to beg for food from other relatives because nearly all the male adults had been forcibly requisitioned to go and serve in the army. Table 1 below shows the number of able-bodied men requisitioned to serve in the British army for the period 1914-19.

Table 1: Carrier-Corps Labor from North Kavirondo

	1914-15	1915-16	1916-17	1917-18	1918-19
Carrier Corps Labor	4,372	7,459	6,469	10,036	869
Other Labor registered	6,022	5,558	4,205	3,872	N/A
Total	**10,394**	**13,017**	**10,674**	**13,904**	**869**

Source: KNA: DC. NN.1/1 *North Kavirondo District Annual Report, 1917-18*, p. 11
KNA: DC. NN.1/2 *North Kavirondo District Annual Report, 1918-19*

[32] This information was provided by Ford Marofu, OI, Chevaywa, Kivaywa, 2005

[33] The other informants were Juma Ibrahim, OI, Chevaywa, Kivaywa, 2005; Jackson Wanaswa, OI, Chevaywa, Kivaywa, 2005; Zacharia Kutoyi, OI, Kivaywa, Kivaywa, 2005.

The table shows that between 1914 and 1919, a total of 48,858 men were requisitioned from the districts to go and serve in the British forces both in Africa and abroad. This figure represented a large proportion of the available masculine labor-power in the district. The women and children left behind could not replace the vital labor power hitherto provided by men in clearing the fields and assisting with the first round of breaking the ground for planting crops. Consequently, the total land under cultivation in most households declined sharply as more and more men were forcibly requisitioned by the military. The stress in the African households increased with the deteriorating food supplies across rural communities following the disruption of the food distribution system through the ban on free movement of foodstuffs. The ban remained in place in spite of the failure of all the staple cereals – finger millet, sorghum, beans, and maize throughout the District.[34] The resulting food crisis in the villages engendered new levels of anti-colonial protests.

Though the government tended to blame the recurrent poor harvests on the weather, the facts on the ground indicated otherwise. The main point is that the District had cumulatively lost a huge proportion of its labor power through forced conscription to serve in the British army both as soldiers and as Carrier Corps during the First World War. Throughout the war, thousands more able-bodied men were forcibly conscripted to work on public transport facilities within the colony to ensure efficient and fast movement of goods and manpower to needy points (See Table. 2 below).

[34] This crisis made colonial officials to call for more land to be put under sweet potatoes (and cassava) in the following year to avert a similar situation. See KNA: DC/NN.1/1 *North Kavirondo District Annual Report, 1917-18* pp.1-2.

From the table, it can be discerned that the total number of Africans from North Kavirondo district conscripted to serve as carrier corps more than doubled between the 1914-15 figure of 4,372 to the 1917-18 figure of 10,036. Between 1917 and 1918, the District produced a record number of people signing up for carrier corps (although the total number of those signing up for the next year was only 869 against the average figure of 7,084 for the previous four years).

Table 2 Native Labor Statistics – North Kavirondo District, 1914-1917 & 1918-19

	1914-15	**1915-16**	**1916-17**	**1917-18**	**1918-19**
Registered for work outside the District	10,190	12.712	10,340	13,370	8,662
Registered for work inside the District	204	305	334	178	91
Total Natives of N. Kavirondo registered in Kisumu	-	-	-	-	3,451
Estimated Unregistered natives who have gone out of the district for work	-	-	-	-	1,700
Squatters	-	-	-	-	22
Total	**10,394**	**13,017**	**10,674**	**13,908**	**13,946**

Source: Table adapted and compiled using data from *KNA: North Kavirondo District Annual Report* for the years 1914 –1919.

This study contends that the increase in wage labor enrolment by Africans was a result of the entrepreneurial spirit to diversify income given the unreliability of incomes from farming. Given the two options between farming and seeking wage income, the latter became more attractive than the risks involved in grain production. Oral sources[35] asserted that there was widespread apathy in the Reserve owing to declining food

[35] Several oral informants pointed this out and especially Peter Makhokho Burudi, 72, OI, Chevaywa, 2005; Jacob Ngome, 84, OI, Chevaywa, 2004.

production, lack of adequate monetary resources to pay taxes, and increased conscription for compulsory public labor works. The construction of the Mumias – Kabras road measuring 20 ft wide and over a stretch of 10 miles with full drainage system extracted a lot of labor from the Kabras households, impacting negatively on farming.[36]

The loss of household and family labor power was very significant in the structural manifestation of the system of land ownership among the Kabras. This is because as a result of the colonial land alienation and the new system of registered parcels, the average amount of land held per household decreased significantly. As a consequence, there was increasing pressure on the available land, which in turn pegged ownership to active utilization. Indeed, in many sub-locations in Kabras, several families eventually lost claims to their previous lands that had been allocated to needy families on a temporary basis at a time when such lands had been left idle.[37]

In Lwandeti Location of Lugari Division for instance, archival records show that after the individual registration and titling had been implemented, each family guarded their farmlands very closely. Unlike in the past when a household could allow other people to

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[36] The government attributed the rise in the supply of labor to a combination of two factors – the prevailing famine conditions (which acted as a "push" factor) and the increased demand for wage labor to work on public works projects, especially the construction of new roads and bridges to ease the faster movement of carrier corps, troops, and supplies. There was no major increase in monthly wages to act as a factor. The average monthly wage in 1916/17 of R5.99 rose marginally to R6.11 in 1917/18 and R6.40 in 1918/1919. These figures are extracted from *North Kavirondo District Annual Report, 1918-19* p. 22.

[37] Oral sources stated that the emigration of key sources of household labor (i.e. male) providers in search of wage labor precipitated drastic re-adjustments within households as the remaining female and children struggled to demonstrate "active" ownership of various land parcels by striving to cultivate any possible crop to avoid losing the land by leaving it lie fallow. Most fallow lands were re-assigned to other "needy" families as stated by Jackson Wanaswa, OI, Chevaywa, Kivaywa, 2005 and Zacharia Kutoyi, OI, Kivaywa, Kivaywa, 2005.

cultivate their lands for several farming seasons, this time no more than two farming seasons were allowed to avoid the temporary users laying any claims to such lands. That lands ownership was becoming increasingly contentious can be attested from the fact that between 1916 and 1918, the total number of land cases heard at the local Butali African Court involving dual claims was almost three times that of the period preceding the war.

The inter World War period entrenched the new trajectory in the sphere of land ownership between the colonial authorities and the Africans. Throughout this period the governor and the Chief Native Affairs Department refused to heed calls by Africans to review the existing inequalities in land ownership. Instead, the colonial authorities remained firmly focused on resolving the land question through enforcing improved farming methods and supervising household farming activities. For instance, colonial Agricultural officers assisted by the local headmen, intensified the campaign to expand the cultivation of root tubers to avert food shortages precipitated by diminishing land sizes. In spite of the protracted efforts in this regard, still the total amount of tubers harvested was far below the required food yields. Throughout the 1920s to the 1930s, the District Agricultural officers frequently dispatched the Headmen to survey and report on the progress towards putting more marshland under cassava and potato cultivation.[38]

[38] The enforcement of the policy to put swamps and the land along rivers under crop cultivation had a major ecological impact in the Reserves. For a detailed discussion of this phenomena, see for instance, Roger M.A. van Zwanenberg, "The Economic Response of the Africans to European Settlement, 1903 – 1939." In B A Ogot, (ed.) *Politics and Nationalism in Colonial Kenya.* Hadith 4. (Nairobi: East African Publishing House, 1972); B. D. Bowles, "Peasant Production and Underdevelopment: The Case of Colonial Kenya." *The African Studies Review* Vol.6, No.2 (1976), pp.1-35.

In line with the option of enforcing improved land use in African areas, colonial agricultural officials moved from one village to the next inspecting how individual households were using their allocated land with a special emphasis on food production. After inspecting farming and land use activities in among the Kabras in the present Lugari Division (and other parts of the district including the densely populated Maragoli and Bunyore areas), the officials acknowledged to the DC that there was hardly any empty land that was not under the cultivation of one crop or the other. It was clear that there was a biting land shortage in the Reserve, which mainly explained the declining food yields. The only "empty" spaces visible in most of the Reserve were the road reserves. Without a viable solution to the land shortage crisis, more and more Kabras encroached on Malava Forest and other government reserve lands putting them under staple food grains. The colonial administration used physically coercive measures to remove the cultivators from the reserved areas and move their crop fields to road reserves.[39]

The continuing biting shortage of land in most of the locations in the Reserve presented a mounting challenge to the colonial administration. For instance, in the short period between 1920 and 1925, there were more than 50 official petitions and complains lodged by various African headmen or other representatives in quest for more land to be allocated to the people in the affected locations. Rather than focus its attention on the matter at hand

[39] This strategy was first attempted in 1917 but it failed due to the reluctance by families to cultivate food crops along the major throughways in the villages due to the destruction caused by animals in transit and rogue elements. In the Annual report for 1918-19, the DC reported thus: "...a certain amount of compulsion was necessary to induce the people to grow enough food for their wants. A scheme was started early in the year of cultivating the land alongside of the roads; the principal object of this was to enable rapid and easy inspection to be made." See for instance, KNA: DC NN1/I *North Kavirondo District Annual Report 1918-19*, p. 17.

and seek effective solutions, the colonial administration looked elsewhere for a way out. Instead of addressing the land issue, the officials began a large-scale campaign to impress upon the Africans the benefits of increased cultivation of food and cash crops in the new economy. The Africans were continuously invoked to put more swampy areas under cultivation to increase food yields (especially in the event of poor rains or drought).[40]

The overall socio-economic conditions in the Reserve did not improve much. Many returning ex-service men and Carrier Corps demanded land to re-settle their families. Many of them had missed out during the first phase of consolidation that took place between 1915 and 1919 when location boundaries were re-drawn and re-adjusted. It is said that some demanded land on equal footing with other soldiers they had fought with who were being settled in various parts of the country under the Soldier Settlement Scheme program.[41] As the socio-economic conditions in the Reserve deteriorated, the Kabras like most other Luyia sub-groups began focusing more and more on other forms of capital and socio-economic security. Livestock increasingly took a center stage. This was not unusual because livestock was frequently used as a means of paying for use-rights over land. But the situation was becoming more compounded due to the high mortality in livestock population due to the then prevailing rinderpest epidemic.[42]

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[40] Paul van Zwanenberg, "Kenya's Primitive Colonial Capitalism: The Economic Weakness of Kenya's Settlers up to 1940", in *Canadian Journal of African Studies*, Vol. 9, No. 2 (1975), pp. 272-292.

[41] The Soldier Settlement Scheme project enacted in 1919 has attracted less academic attention compared to the latter-day A Million-Acre Settlement Scheme program of 1960-65. for a detailed discussion of the Soldier scheme, see C. J. Duder, " 'Men of the Officer Class': The Participation in the 1919 Soldier Settlement Scheme in Kenya", in *African Affairs*, Vol. 92, No. 366 (Jan., 1993), 69-87.

[42] The veterinary officer reported that epidemic spread fast from the southern ends of the district to cover the whole Reserve. This prompted the imposition of quarantine measures. Though a veterinary officer was stationed in the district, the epidemic continued wrecking havoc due to a shortage of serum for inoculations. Initially, the Livestock Officer had proposed that serum be provided free by the government to treat native stock but this was rejected and the natives asked to pay for the inoculations, initially set at

The inoculation campaigns successfully reversed the hitherto high livestock mortality rate. However, this did not calm the rising tension in the district over land shortage. Indeed, as soon as most of the native stock recovered from the epidemic, than did the Africans present renewed requests for a review of the boundaries (which ultimately read as asking for more land.) There were loud protests from most parts of the reserve over food shortages owing to less land for tilling. Rather than consider the possibility of ceding land already demarcated for white settlement back to the Africans, the government sought other options. In the end, the government opted for an agricultural innovation solution: the introduction of new high yielding variety seeds (HYVs). This new idea was rigorously fronted as the most effective way of increasing crop yields in African areas and thus a solution to the high incidence of food shortages. To implement this idea, the government supplied 800 loads of maize seed and 850 loads of bean seed for distribution in the Reserve.[43] At the lead of this campaign were the new (supposedly) high quality seeds for white maize.

Colonial agricultural officials were perturbed following reports that the Kabras were not enthusiastically embracing the new HYVs as anticipated. Indeed, in spite of the promise of higher yields and a ready market for the white maize, there was friction between the Kabras and the colonial authorities over the planting of the new maize species. Most Kabras households preferred to plant both varieties – the new HYVs and the traditional

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2/= Rupees for each inoculation. According to the Veterinary officer for the district, the high mortality rate of the cattle in the Reserve occurred due to reluctance among the Africans to pay the inoculation fee.[42] This trend turned around when most households faced imminent risk of losing their entire stock!

[43] According to the colonial officials, the poor yields in the farming year were attributed to the fact that most of the farmers consumed the high quality seed that was distributed for planting due to famine and thus, ended up planting the old poor yielding variety!

varieties but the colonial authorities viciously resisted this practice. The Kabras were very weary of the possible hidden motives of the colonial government especially given the emphasis placed on the commercial value of white maize.

There were also widespread fears of crop failure. This is because while the upper reaches of Lugari Division were very suitable for the new species, the middle and lower parts were not. As a result, many households resorted to planting both varieties simultaneously because the Kabras had limited knowledge of the agronomical characteristics of the new maize species. Most households were fearful of possible hunger incase the new seeds failed to grow or reach maturity. This is characteristic of rational agronomical decisions made by the peasants with regard to the adoption of new crops or other agricultural production innovations.

The decision by the Kabras household to plant both maize varieties drew a lot of anger from the colonial agricultural office.[44] The administration through the local village headmen attempted to enforce the new species by uprooting the indigenous species from the farms in the Reserve. The use of state violence to enforce the cultivation of white maize angered the Kabras, who in turn, resisted by intentionally delaying planting of the new seed maize.[45] This left them with a wider berth to plant their short-ripening maize species, much to the chagrin of the colonial agricultural officers! However, the

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[44] There were long running battles between the colonial administration and the Africans over the adoption of the new white maize species. The new maize commanded a high market price, fetching shs. 1.50 per bag in the local markets and shs. 2.00 in Kisumu. Thus, compared to other agricultural products, white maize was supposed to be "goose that lay the golden eggs" and hence the frustration by the government by the reluctance by the peasants to embrace it wholesale.

[45] This information is available mainly from archival sources. See for instance, DC/NN1//3 *North Kavirondo District Annual Report, 1919-20*, p.30

introduction and spread of maize among the Kabras and in Western Kenya as a whole is a much more complex phenomenon as demonstrated by Marvin Miracle[46] and John Gerhart[47] among others. In such ways therefore, has the changing system of land ownership engendered significant socio-economic effects among the African communities in Lugari Division.

Besides the HYVs, the colonial administration introduced the ox-drawn plough alongside the enforced introduction of the HYVs as step towards increasing productivity and land use efficiency. The task of re-introducing and familiarizing the African with the use of ox-drawn ploughs was assigned to an eminent colonial official – Mr. Horne. The Department of Agriculture placed great emphasis on the adoption of ploughs because it was anticipated that ploughs would not only expand the land under maize cultivation but they would also tremendously improve the preparation of fields for planting. Ploughs were not an entirely new phenomenon here, for they were first introduced in 1912 but most were too light and thus broke easily. Their use declined and most fell into disuse. Some households also avoided using the ploughs because it made them an easy target of tax collectors. Ox-drawn ploughs were widely perceived as a sign of prosperity. Oral sources pointed out that families who owned these ploughs were frequent targets of tax collectors.[48]

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[46] Marvin P. Miracle "The Introduction and Spread of Maize in Africa" in *The Journal of African History*, Vol. 6, No. 1 (1965), pp. 39-55.

[47] John Gerhart, *The Diffusion of Hybrid Maize in Western Kenya.* (Mexico City: Centro Internacional de Mejoramiento de Maíz y Trigo, 1975).

[48] It was generally believed that the ox-plough owning households were wealthier than those without and hence these became easy targets in tax and cess collection. Makhokho, Peter Burudi, Chevaywa, Kivaywa, OI 12-02-2004; Juma, Ibrahim, OI, Chevaywa, Kivaywa 12-02-2004.

The introduction of the ox-drawn plough alongside other agricultural production improvement programs as an answer to the land question and food situation in North Kavirondo deserves more than a passing mention here. This is especially so given the fact for a long time, the Eurocentric perspectives held that indigenous African land tenure systems were unsuitable for the efficient utilization of land and increased agricultural productivity. This argument comprised the core component of the then intense debate between cultural anthropology and modernization theoretical perspectives over the question as to whether or not pre-colonial Africa land tenure systems optimized land productivity.[49] To optimize the use of land and thus increase agricultural productivity, the modernization school supported the introduction of modern farming methods. We will revisit this issue at a later stage in this study.

As a note however, we would like to point out that the changes in the system of land ownership discussed in the foregoing sections that introduced individual parcel registration and title had a significant impact on the indigenous ways of acquiring individual and family land. For instance, the dissolution of the no-man's land between different clans or ethnic groups put a halt to the previous practice of clearing bushes to create farmland. The new land law designating all forests and gazetted areas as Crown Land made it a criminal offence for any African to stake out land from these resources. The dissolution of reserve and open communal clan lands impacted heavily on the overall system of land ownership among the Kabras.

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[49] There is a growing body of literature that focuses on the role played by indigenous land tenure system in agricultural productivity. See for instance, Shem Migot-Adholla, et al. "Indigenous Land Rights Systems in Sub-Saharan Africa: A Constraint on Productivity?" in *The World Bank Economic Review*, Vol. 5, No. 1 (Jan., 1991), pp. 155-175. Great Britain: *Report of a Survey of Problems in the Mechanization of Native Agriculture in Tropical African Colonies.* (London, H.M.S.O., 1950).

The second major change in the system of acquiring land among the Kabras emerged within the institutionalized procedure of inheriting family land. Rather than follow the old system where sons got allocated their share of family land as they matured and got married, such individuals now sought land from the village elder, the DC or from other neighboring communities. Thus, the practice of sub-dividing up family land and allocating it as hitherto mentioned came to an end. This new practice of seeking available patches of land over a larger geographical area for cultivation and establishing homesteads is largely responsible for the intensification of fragmentation.

Oral sources[50] stated that following the shortage in household landholding, rising population, and the consequent delimitation of native reserves, many Kabras households faced the need to increase their area under cultivation. This need was further accentuated by the enforcement of colonial taxes (that were initially paid in kind in foodstuffs such as finger millet and livestock). To meet this new demand, households entered arrangements to acquire cultivation or usufruct rights over pieces of land from other clan members far away from their homestead. Thus, this three-prong assault on the Kabras socio-economic system was the front-runner to the latter phase fragmentation that occurred in this area.

Fragmentation became more intensified with the need to provide food security for the family and insurance against crop failure. Most Luhya farmers cultivated several parcels of land scattered over a wide area as an insurance against ecological and climatic

[50] This information was provided by Roman Bushuru Mutandi, OI, 2005, West Kabras, Shikuse; Sabeti Khalibitsi, OI, 2005, West Kabras, Shikuse.

hazards.[51] Among the most formidable hazards the farmers faced were hailstones and pests. Ecological conditions especially the variation in soil fertility also contributed to fragmentation due to the fact that different micro-ecological zones possessed different soil fertility levels and soil components. Such ecological circumstances forced the farmers to plant different types of crops in different places, thus contributing to fragmentation.[52]

In spite of the increase in the adoption of the new HYVs and improved agricultural production techniques, there was increasing concern in government circles over the growing demand for the return of alienated clan lands. For instance, in Lugari Division the Kabras and the Nandi continued to claim for a return of their respective portion of the alienated lands that went into the making of Kipkarren Farms. It was clear that certain measures had to be taken in regard to this situation. Therefore, to strengthen its control of land matters, the government enacted the Crown Lands (Amendment) Ordinance No. 22 of 1926. The Ordinance gave the Governor-in-Council over-riding power to establish native Reserves and to dispose of land in those Reserves for the benefit of the inhabitants therein! This ordinance angered Africans who felt short-changed by the colonial system. They objected the decision by the government to grant itself uncontestable powers in making unilateral decisions regarding the status and allocation of clan and ancestral lands in the reserves without first consulting the Africans themselves. It is true that rapid spread

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[51] This point has been well argued by Gunter Wagner, *The Bantu of Western Kenya* ...1956; Norman Humphrey, *The Liguru*...1947.

[52] According the Norman Humphrey, colonial officials and field extension officers often criticized African farmers for this practice arguing that this mode of fragmentation could have been avoided had farmers possessed "knowledge on how to lessen these variations through improved agriculture" Norman Humphrey, *The Liguru*....1947, p. 25.

of the so-called "modern" or new ideas and Christianity did lessen the importance of the rights of ancestors but the interests of posterity remained supreme.[53]

The burgeoning increase in population and the continued alienation of land for the construction of schools, administrative centers, African Produce, Inspection and Collection Centers, and market centers (such as Malava and Lwandeti) partly contributed to the increasing litigation over land. Between 1926 and 1929, there were over 100 such cases that were brought before the elders and the Lugongo of Kabras Location.[54] But this crisis was not limited to Kabras alone. Elsewhere in the Kavirondo Reserve, litigation over land was threatening to run out of control, warranting an official investigation, hence the 1930 North Kavirondo Land Tenure Committee. Let us now focus on efforts by the government to address this situation in the next section.

3.7 **The 1930 Native Land Tenure Committee and Land Ownership in North Kavirondo District.**

As demonstrated in the foregoing sections, the mounting inter-clan tensions over land matters coupled with several armed skirmishes that had broken out along inter-ethnic boundaries rapidly became significant security issues that called for urgent attention. The governor and the Colonial Secretary, Mr. H. M. M. Moore were already inundated with numerous petitions and demands for various clan lands and boundaries to be revised across the colony. But nowhere else in the colony (outside the Kikuyu Reserve) did these tensions threaten to explode into an enigmatic ball of fire than in the North Kavirondo

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[53] In part, it is this interest in preserving land for posterity that the individual title drive sought to fight back because it was widely believed by colonial and then development circles that such beliefs stood in the way of modernizing African agriculture though increased investment in farming activities.

[54] KNA: DC.NN.1/7 – DC. NN1/11 *North Kavirondo District Annual Reports* 1926-1930.

district. A series of meetings between the Governor and top officials (including the Colonial Secretary and the Chief Native Commissioner) had failed to produce any tangible solutions to the crisis. The administration got concerned because maintaining peace and order among the Africans was part and parcel of the colonial project in Kenya.[55] It was deemed of great necessity for the colony to have stability that would in turn promote commerce and capital accumulation activities.

Perhaps the reader has noted that the foregoing analysis of the changing system of land ownership in Lugari Division has tended to traverse the terrain between the events on the ground in the Division and the wider developments in the region and at the national levels. This approach has been adopted because the factors and forces affecting land ownership in the Division did not operate independent of events at the national and regional levels. Consequently, it is necessary time and again to focus more intently on the developments in the wider North Kavirondo District. This approach is justified on the basis that from this point (1930) onwards, local matters pertaining to land ownership become inextricably linked to the overall developments at the regional and national levels.

Between 1925 and 1930, African communities from virtually all the Native Reserves in the colony descended on the Chief Native Commissioner's office with numerous land

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[55] There is also an equally diverse body of literature on the British colonial policy in Kenya. For a general overview, see for instance G. H. Mungeam. *British Rule in Kenya, 1895-1912: The Establishment of Administration in the East Africa Protectorate* (Oxford: Clarendon Press, 1966); Marjorie Ruth Dilley, *British policy in Kenya Colony*. 2nd edition. (New York: Barnes & Noble,1966); Charles W. Hobley, *Kenya: From Chartered Company to Crown Colony- Thirty years of Exploration and Administration in British East Africa*. 2nd edition. (London: Frank Cass, 1970).

ownership petitions. However, while the complaints from the Coastal and Central regions were largely in the form of written memoranda, those from North Kavirondo were accompanied by reports of violent fights over boundaries. It was clear that the question of land ownership and boundaries was threatening to run out of control.[56] Consequently, in an effort to address this matter, the Governor appointed a Committee to investigate aspects pertaining to native land tenure in the district and present recommendations regarding clan and ethnic boundaries but within the context of "native" law and custom.[57] The Committee sat for 17 days holding sessions[58] during which it collected detailed historical information and evidence regarding land ownership among the different Luhya sub-groups.

The Committee then compiled a detailed report in three parts. The first part outlines the historical background to the evolution of the land tenure system among the Luhya communities. Emphasis is placed on aspects such as the pre-colonial system of land acquisition; the organization of clan lands; patterns of land inheritance; the place of kinship ties in land ownership structures and the eminent role played by clan elders in

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[56] There were numerous boundary conflicts in virtually all parts of North and South Kavirondo Districts and the neighboring districts too. The extent of the crisis was serious enough to warrant a separate record to be kept by the Provincial Commissioner's office. For a detailed presentation of these conflicts, see KNA: DC/NN.3/5/7 *Boundary Conflicts.*

[57] The Committee was appointed through Government Notice No 380 of 26th June 1930. It was chaired by G. V. Maxwell, the Chief Native Commissioner while E. L. B. Anderson, the District Commissioner, North Kavirondo and Mr. W. E. Owen, the Archdeacon of Kavirondo served as members. Its specific terms of reference read as follows: "His Excellency the Governor has been pleased to appoint a Committee to investigate the system or systems of Native Land Tenure within the North Kavirondo Native Reserve and make recommendations as to what rules should be enacted to govern the occupation rights of tribes, clans, families or individuals in each or any area, due regard being had to Native Law and Custom." Cited from the preface in *Report of the Committee on Native Land Tenure in the North Kavirondo Reserve,* October 1930.

[58] The meetings were held in the major centers at Matungu, Kabuchai, Bukhayo, Kisa, Musanda, Mudoma, Teriki and Kakamega. The Kabras presented their evidence at the Kakamega session.

land administration. This section also addresses the aspect of patriarchy and the place of women in land ownership and use. The organization of family land, the use, preservation and control of communal resources and diverse aspects pertaining to different forms of land proprietors are also discussed.

The second part presents detailed proposals and recommendations formulated with a view of stemming off the rising inter-clan and inter-ethnic boundary skirmishes among other issues. For instance, to resolve inter-clan boundary conflicts, the Committee adopted suggestions by the African representatives who recommended that the District Commissioner be empowered to select people to mark out the boundaries of each village[59] in the presence of tangible witnesses. After establishing the village boundary, the DC was to open a register for each village bearing details such as the date of its registration and its serial number; a clear description of its boundaries; the clan or sub-clans occupying it; the name of the village headman and a full list of all the residents in the village (including the bona fide heads of households, clansmen and tenants and all other immigrants). All entries into the record and changes thereof were to be made upon the payment of a fee to Local Native Fund (LNF).[60] In this regard, the Committee recommended that the DC be empowered to adjust the list of occupants within a village if

[59] The Committee was very detailed in this aspect, even going as far as specifying the type of trees and vegetation i.e. euphorbia (or siala) to mark the boundaries. A new law making it a felon to feel such trees marking lugongo boundaries was to be passed.

[60] As will be demonstrated below, Africans in the reserve viciously opposed this payment which, according to them, amounted to making payments for the purchase of their own land!

any legitimate clan member proved cases of fraud or error that resulted in disinheritance or inclusion of illegal individuals.[61]

The Committee also adopted another recommendation from the African leaders regarding the resolution of disputes over land ownership. It was decreed that in any matters arising over land encasing trespass, boundary issues, or disinheritance, the clan elders would first attempt to resolve the matter before handing it over to the Local Native Tribunal (LNT) or any other judicial body.[62] This pseudo-legal provision has remained an important segment of the land administration system and in resolving land ownership issues in many parts of Kenya to date. Indeed, throughout decolonization to the post-independence periods, local conflicts over land ownership have always been heard before the local council of elders and neighbors before going to the Courts of Law. In any case, most Kenyan courts will always seek the in put of the local elders in such cases before reaching a verdict. Incidentally, this is the basis upon which the Kalenjin oppose the post-independence land allocation to non-Kalenjin ethnic speakers in the Rift Valley province, citing ancestral ownership to justify the claims!

In addition, it was stipulated that due to escalating inter-clan feuds over land rights and the need to preserve clan lands for the rightful heirs, the hitherto practice where strangers (i.e. abamenya) come in to settle as tenants was prohibited (except with written approval

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[61] See *Report of the Committee on Native Land Tenure in the North Kavirondo Reserve*, October, 1930, pp. 14-17.

[62] This provision was put in place to avoid the Local Native Tribunals and the Appeal Tribunals being inundated with many land cases, most of which were resolved with the assistance of the clan elders.

from the DC.)[63] Similarly, total sale of individual family lands within the reserve was banned but most significant, the Committee preserved the security of tenure of tenants and those who had become absorbed into the community (i.e. Abamenya).[64]

In spite of the adoption of these recommendations, the Africans communities were very disappointed over the Committee's decision to defer addressing the question of land shortage. The Committee remained very evasive over this matter and simply stated that any individual in the Reserve who needed land for settlement or cultivation had to approach the Village and clan elders for the same. The Committee asserted that if there lacked adequate land within the village to allocate to the needy individual, the respective village and clan elders would consult their counterparts in the neighboring villages for land. If land was available in any given place but the elders declined to allocate the needy person, the latter was empowered to petition the DC who could rule in favor of the plaintiff depending on the specific circumstances of the case.[65]

In the third and last section, the Report identified several pertinent matters pertaining to land and the overall welfare of the Africans in the Reserves that called for immediate

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[63] Good and well-intended as this proposed change sounds, many Africans were very unhappy with it. As we shall see in the section under the Kenya Land Commission Report of 1932, this aspect was heavily censored by the Africans who viewed it as unjustified interference in "domestic" affairs of the clan!

[64] Legally therefore, this decree meant that neither tenants nor abamenya could be evicted by the village headmen without the approval of the DC. However, this new bundle of tenure rights was not free - both categories of these land owners were required to pay annual fees to the LNF as a way of acknowledging the tenancy save only when exempted by the DC.

[65] It was directed that if any member of a village (lugongo) needed land for his own family etc, he had first to contact the clan elders to allocate him the land. The DC assumed the powers of scheduling out land both within and outside the lugongo for certain purposes and on which no cultivation or homesteads were allowed. The Central Board together with the Local Native Council and Local Boards were empowered to schedule out land for public use such as for the construction of a school, trading center, government offices, church, dispensary or for the creation of an agricultural demonstration plot.

attention. First, the Report acknowledged that due to lack of prior knowledge regarding the history, culture, customs and indigenous land ownership systems of the various ethnic groups, the colonial administration had made serious mistakes in the drawing of clan, sub-location, location and ethnic boundaries. Similarly, due to lack of fore knowledge with regard to the political organization and the attendant administrative structures of the various African communities, the colonial government had made serious mistakes in the selection and appointment of official headmen and the allocation of duties. Since the new chiefs were central in land allocation matters, this precipitated serious conflicts because the chiefs allocated land to their favored friends and groups while denying deserving families. To cite the Report:

> "Natives appointed solely for the administrative purposes of the Native Authority Ordinance have usurped the authority and functions of *liguru* in respect to land. Apparently, they thought that such was the intention of Government, and the people seem to have thought so too, and for that reason only have submitted to their acts while undoubtedly resenting such reversal of tribal custom, and the Administration has not realized what was happening. We are informed that in many cases headmen and sub-headmen have allotted holdings on clan lands to their chosen friends and supporters with total disregard of the real *liguru*, thus trampling on proper native law and custom. .....It is in our opinion a matter of urgency that an administrative officer of experience be detailed at the earliest possible date for the duty of demarcating *lugongo* boundaries, of compiling the *lugongo* register, of ascertaining precisely the extent to which *abamenya* have settled on the various *lugongo* and the present length of their residence, and of putting into operation the Rules which we have proposed."[66]

Given that the village elders made important decisions regarding land allocation and ownership, it was imperative for each village to have the right people in the right place.[67]

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[66] *Report of the Committee on Native Land Tenure in the North Kavirondo Reserve*, October 1930 p. 18

[67] For instance, there were running contests for power and supremacy between the government-appointed, official Headmen on the one hand and the indigenous clan leaders in the form of liguru on the other. The roles, functions and duties of these two offices were clashing leading to hostilities among the people. On the whole, this scenario had created unnecessary high tensions and mutual suspicions between and within

In the same vein, the Committee emphasized that if the land in the Reserve was to be governed under the African (native) law for the good of the African customs as intended, then it was imperative that the government impose effective checks and controls on the infiltration into the Reserve by foreigners from other communities. Such infiltrations were causing a lot of social, economic and political instability coupled with endless petitions by the immigrant satellite communities seeking to have people from their own ethnic group or clans occupying the coveted administrative offices.[68]

The Committee asserted that if all the above recommendations were implemented, there would be a reduction in the escalating intra- ethnic boundary conflicts, intra-clan and family feuds over land claims. It was also highly anticipated that the proposed changes would help reduce the incessant petitions by communities to have the official government headmen being drawn from their own ethnic groups or clans among other aspects.

However, in our view, in spite of the seriousness of the land and political situation in the North Kavirondo Reserve, the colonial administration did not take the desired radical measures to resolve these pressing issues. For instance, the Committee seemed to abdicate one of its critical tasks of addressing the question of land shortage. By deferring this question and transferring the burden of resolving the demand for more land to the clan elders and the liguru the Committee (and the government for that matter) failed to address issues facing the Africans in the Reserve. This is because as we have noted all

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African communities as both the new colonial boundaries were rejected in the same vein as the "imposed" foreign administrators - Headmen!

[68] Perhaps the best illustration here is that the Luo infiltration into North Kavirondo along the southern location boundaries. Once in North Kavirondo and having set up their own Luo satellite communities, they always started demanding to have their own Luo Headmen rejecting the Luhya officials in office.

along, neither the clan heads nor the liguru had any free land to allocate the needy individuals in their areas of jurisdiction.

On the whole, the land question remained unresolved throughout the remaining years of the colonial period and spilled into the post-independence era. That the post-independence government did not transfer the alienated lands back to the previous indigenous owners lies at the core of the persistent inter-ethnic land clashes between the native Kalenjin and Maasai of the Rift Valley on the one hand and other immigrant ethnic groups such as the Kikuyu, Luhya, Kisii, and Luo on the other.

Further, it is regrettable that though the Committee carried out such an important exercise, the colonial administration did not make effort to implement the recommendations. The government's lack of an initiative to follow up with the Committee's recommendations could have been influenced by the negative prejudicial attitudes. The Committee plainly expressed such attitudes with regard to understanding the diverse cultural, linguistic and customary practices of the African communities. The following introductory remarks in the Report serves to illustrate what we are saying here:

> "A complete investigation would entail many months of work and constant revisiting of each location, firstly because in no other way could disjointed scraps of tribal tradition be tested and pieced together, and secondly because it is impossible for more than two or three days at most at any one session to hold the attention of the people to the degree necessary for the eliciting of intelligent answers to questions. The only witnesses whose evidence is of real value are the elderly and in most cases completely illiterate natives. Many of these had traveled long distances to the places at which the Committee sat; they are quite unaccustomed to long concentration of the kind required at such an investigation, and after

a short time were frankly impatient to be allowed to return to their homes."[69]

In many respects, the land question remained unresolved largely because rather than institute realistic solutions, the colonial mind-set, the lukewarm approach by the colonial office, and a disappointingly demeaning attitude towards the issue of land in the Reserve were left to reign supreme. In spite of the fact that the Committee had identified the shortage of land as a matter of urgency that needed immediate attention, the mistakes made in drawing clan and ethnic boundaries that resulted in many clans losing their lands were neither addressed nor corrected. There were hardly any boundary reviews to address the grievances that the Committee had received in its sessions across the Reserve. For instance, though the Committee had sounded precaution in the selection of village elders and headmen with regard to land allocation matters, the colonial administration simply proceeded with its usual system of appointing lugongo headmen from 'foreign" communities, leaving the sensitive question of land unresolved as inter-ethnic and inter-clan feuds and skirmishes threatened to take on a more explosive form.

That the question of boundaries had not been resolved, it was not unexpected that the tensions referred to in the past would continue or surface again. For instance, the Kabras and the Nandi remained embroiled in contests over their lands that were alienated to create Kipkarren Farms. Elsewhere in the District, different sub-groups were up in arms against their fellow neighbors over boundaries.[70]

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[69] *Report of the Committee on Native Land Tenure in the North Kavirondo Reserve*, October 1930 p. 1.

[70] The Wanga remained embroiled in deep contestation over their territorial boundary with virtually all their neighbors. To the east, the Wanga claimed huge tracts of land occupied by the Marachi and Banyala while to the north, a good portion of land under their neighbors – the Southern Bukusu (Kitosh). To the

Incidentally, as the land tenure crisis both in the northern and southern parts of the district became more compounded through increased inter-clan and inter-ethnic territorial contests, the local administration and the governor alike simply dismissed them as "localized skirmishes." Indeed, one such inter-ethnic conflict that broke out in 1932 between the Bantu of North Kavirondo district and the Luo of Kager resulted in extensive damage to property and serious injuries but the colonial administration was very idyllic about it:

> "For a month or two conflicts between the Kager and their Bantu landlords was confined to skirmishes between individuals. Complaints of Bantu encroachment on Kager holdings and Kager occupying land claimed by Bantu were fairly frequent. Eventually in August an individual case of this nature brought members of the two tribes into collision at a village called Tingare. The disturbance was fortunately confined to the immediate neighbourhood, and was dealt with without difficulty by the local authority. *A few broken heads were the only causalities and their possessors were afforded time in which to mend them, and an opportunity for subsequent reflection in jail.* (Italics mine)"[71]

In the wake of these continued strong protests, the colonial office endowed Mr. E. B. Hosking with the onus of implementing the findings and recommendations of the Land Tenure Committee of 1930. However, after studying and assessing the recommendations in view of their implications, Mr. Hosking retreated and advised against the implementation arguing that the Committee's recommendations threatened to foment administrative trouble, civil disturbances and inter-ethnic unrest than resolving them:

> "The application of the Committee's recommendations would cause chaos and that the resurrection of the old Tribal authorities involved the

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southwest, they claimed lands occupied by their immediate neighbors, the Luo of Kager. The conflict in this area became more volatile because each side viciously accused the other of trespassing on each other's respective clan lands. The DC's office in Kakamega received numerous delegations of representatives from each either side armed with sketch maps asking the administration to "adjust" (i.e. re-draw) the boundaries with all the contested land appearing in each side's sketches!

[71] KNA: DC.NN1/12 *North Kavirondo District Annual Report, 1931*, p. 4.

> introduction of a further fourth estate into the administrative machine, the outcome of such an exercise would be, in my opinion, total dislocation of the existing administration and constant friction, if nothing worse....Small clans, fearing that the enquiry might establish them as tenants and not landlords raised an outcry and a feverish counting of their numbers designed to show their magnitude and importance began in more than one Location."[72]

It is on such grounds that the colonial administration recommended for the postponement of the implementation process for a period of at least a year (from 1930) to enable the authorities figure out the ramifications of the whole situation. However, though the government decided to shelve the Committee's recommendations, the pressing issue of land in the reserves and especially the fears held by the Africans regarding further loss of their land through alienation for European settlement remained supreme in the minds of the administrators. The general mood among the Africans in the Reserves remained very restive and potentially explosive. It was clearly evident that substantial measures needed to be taken to assure the Africans of their security of tenure in the Reserves especially against the backdrop of the dispossession of African land that had occurred in the Kipkarren River and Kaimosi areas.

Though the colonial administration suspended the implementation process, it is evident that the Africans had succeeded in making their demands a priority in government business. Their pressure yielded positive results as the government was forced to pass the Native Trust Lands Ordinance of 1930. The principal aim of this ordinance was to provide legal basis of protecting the tenure rights of the Africans. The Ordinance set aside lands that had been demarcated in 1926 as Native Reserves for the permanent use

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[72] KNA: DC.NN1/13 *North Kavirondo District Annual Report, 1932* p.10.

of the Africans forever.[73] These lands were placed under the control of the Central Board. The ordinance stated that no land could be excised from these Reserves except for erecting public facilities (in which case there would be compensation of an equal amount of land.)

Like its predecessors, this Ordinance did not resolve the escalating conflicts over land in the Reserves. According to Edwin W. Smith[74] the Ordinance was a disappointing failure and rather than calm the tumultuous situation over land, it laid bare the need for a more concrete solution. Further, there were loud voices of discontent in European circles over the decision by the drafting committee over the use of the terms "for the permanent use of the Africans for ever" with reference to the lands set aside for the Africans in the Reserves. Around that time, there were strong rumors of precious mineral deposits of gold existing in Reserve areas especially around Kakamega township and thus, most Europeans felt that this clause was technically excluding them from exploring such resources. The Europeans formed a loose caucus whose aim was to pressurize the government to annul this part of the Ordinance or have it amended altogether. It is in this context that that the Carter Commission found these terms "repulsive" and purged them out of the Ordinance.

Africans in the Reserve took serious issue with the Commission's decision to re-word and amend the Ordinance. Frustrated by the reluctance on the part of the government to address their concerns, the peasants approached Mission stations as an alternative.

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[73] See Edwin W. Smith, "Land in Kenya", in *Journal of Royal African Society*, Vol. 35, No. 140 (Jul., 1936), pp. 246-247.

[74] Edwin W. Smith, "Land in Kenya.....1936, pp. 246-250.

Members of the local Kabras branch of the North Kavirondo Tax Payers Welfare Association (NKTPWA) traveled to the District administrative headquarters at Kakamega and presented a list of memoranda to the government. The most sensitive matter affecting the Africans were that though the Ordinance had been passed to protect African lands, the colonial administration had not, in spite of repeated assurances, produced official maps showing boundary demarcations between African Reserves and the European settler areas. The LNC's in the affected areas had tried to obtain these maps but in vain, hence escalating fears that the administration did not intend to fulfill its promises.

But all in all, it was clear that the matter of land among the Africans was far from being settled. The Nandi persistently laid claims to their lost prime lands in Uasin Gishu District while the Luhya sub-groups of the Kabras, Wanga, Bukusu and Tiriki remained embroiled in feuds over clan land boundaries. In the heartland of the Kabras-Nandi intersection of the present day Kipkarren River area, the Nandi (and to a lesser extent, the Kabras) raided European farms for livestock. Oral sources[75] emphasize that the raids were used as a way of expressing frustration with land alienation. The local peasants also hoped that the raids would act to deter any further European farmer expansion into African areas.

As composite and promising as the 1930 Committee recommendations were, it is unfortunate that no progress was made towards resolving the question of land in the

[75] This interesting information was provided several resourceful oral informants including Kagame Mrambe, OI, Lumakanda, Munyuki, 2004; Nora Khakasa, OI Lumakanda, Munyuki, 2004 and Thomas Sunguti, Chevaywa, Kivaywa, 2004. Kagame was born on Lugari sisal estate when his parents became squatters after the government alienated the lands. Similarly, Nora Khakasa was born in the present Chekalini Location of Lugari Division after their family lands were alienated into Kipkarren Farms.

Reserves. From North to Central and South Kavirondo, Africans continued living under stressful socio-economic conditions precipitated by diminishing land resources. The Kabras and other African communities in the present Lugari Division were not spared the impact of this situation, hence the increased clamor for more land and enabling policies with regard to capital generation. This then leads us to the next initiative in this regard, the 1932 Kenya Land Commission and the question of land ownership in Lugari Division.

3.8 The Kenya Land Commission of 1932 (Carter Report) and Land Ownership in Lugari Division.

As alluded to in the foregoing discussion, the pressing land shortage was not limited to the North Kavirondo Reserve alone.[76] The issue of land was widespread in nearly all the exclusive African occupation areas. The areas earmarked for African use termed as native reserves covered a total of 48,149 sq. miles (i.e. approximately 22% of the total area of the land mass in Kenya). They held a total population of 2,587,000 people (or 86% of the colony's total population) at a density of 54 persons per sq. mile. Alienated land covered 10,345 sq miles while surveyed land for alienation 1,530 sq. miles. Of the remaining land in the colony, the total acreage of Crown land yet to be surveyed measured 15,649 sq. miles while the Coast Freehold lands, 273 sq. miles. Only 558 sq. miles were reserved for townships and other public purposes.[77]

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[76] Unfortunately, the study of changes in the system of land ownership and the related aspects such as colonial land alienation for much of rural Kenya has to wait till the 1930's to run into concise documented evidence of the impact of the loss of land among the Africans.

[77] All the figures here are derived from Great Britain. Kenya Land Commission. *Report of the Kenya Land Commission*, Nairobi, Government Printer, 1933, pp. 350-51.

These figures paint a very grim land holding situation underwritten by extreme inequalities in land ownership along racial lines. For instance, it is very clear that in spite of comprising close to 98% of the total population in the colony, the Africans were allocated close to a fifth of the total land! This then explains the reasons why elsewhere in the colony, increasing tensions over land alienation and the lack of political representation for Africans were factors causing widespread restlessness.[78]

The sustained demands by Africans for more land and for reforms in the system of land ownership and allocation between Africans and Europeans increasingly became overwhelming to the Governor and the Native Affairs Department. The escalating rural unrest and the impending violence over land ownership and boundaries pushed the government to appoint a Commission to revisit the issue of land tenure in the colony, hence the formation of the Kenya Land Commission.[79] The Commission held sessions throughout the colony collecting evidence from a majority of the African communities and their leaders. Missionary groups, churches, and leading Europeans farmers and luminaries were also interviewed as witnesses. In North Kavirondo District,

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[78] Already, in the Kikuyu Reserve and in the neighboring European settled areas, tensions between the landed class of influential families, chiefs and the landless peasants on the one hand and between settlers and squatters on the other were threatening to explode into a major crisis. This process dislocated many Africans who, by the stroke of the pen, were left landless and at most, squatters. This expanding population of displaced landless peasants and squatters comprised the core of the initial wave of the nationalist movement Kenya Land Freedom Army aimed at retrieving the alienated lands. This movement later converted into the Mau Mau fighters. In the Coast Province, the Kamba and the coastal hinterland communities were up protesting vehemently against increasing cases of land alienation for the establishment of sisal and other plantation commercial crops on a freehold tenure basis. See for instance the agrarian crises created by the this process as discussed by Tabitha Kanogo, *Squatters and the Roots of Mau Mau* (London: James Curry, 1987); Mwangi Wa-Githumo, *Land And Nationalism: The Impact of Land Expropriation and Land Grievances upon The Rise and Development of Nationalist Movements in Kenya, 1885-1939.* (Washington, DC: University Press of America, 1981).

[79] The Commission was chaired by Morris Carter (hence the Carter Report). Mr. R. W. Hemsted and Captain F. O'B. Wilson served as members while Mr. S. H. Fazan as secretary to the Commission. The Commission published its findings in 1933 in two forms, the *Report of the Kenya Land Commission* and *Report of the Kenya Land Commission: Evidence and Memoranda*, Vols. 1-3.

representatives and spokesmen of different sub-ethnic groups and clans presented their respective land claims and other attendant issues to the Committee.

According to evidence adduced by representatives of the Kabras at the Committee's session at Kakamega, the Kabras demanded a re-drawing of the boundary between their lands and that of Kipkarren Farms so as to include the lands alienated illegally on the Kabras side. There were numerous similar demands by the Nandi regarding the lands they lost into Kipkarren Farms too. On the whole, the most pressing land issues that arose in North Kavirondo were that the immigration of Europeans and the attendant land alienation had robbed Africans of their former lands, thus making it impossible for these communities to expand or sustain themselves socio-economically. The communities close to the gold mining activities protested vehemently that European miners had been allowed to enter the district and carve out land for mining and prospecting without the permission of the local native communities."[80]

One of the most significant complaints was that there had been extensive alienation of land from the African communities and dispossession from individual families without due compensation. This was particularly pronounced in the area between Kipkarren River settled by the Kabras and Kaimosi by the Tiriki people. In the latter case, many Luhya families were forced out of their lands to create settlement farms for Europeans known as Kaimosi Farms. In the former case, several Kabras and Nandi families were moved out of

[80] The Africans expressed very strong sentiments against land alienation. It is in the context of such sentiments that African leaders from the District presented the Commission the declaration that "The boundary between black and white was Mombasa, i.e. the sea!" See KNA: DC.NN1/13 *North Kavirondo District Annual Report 1932* p. 8.

the prime land beyond the present townships of Kipkarren and Tapsagoi/Osorongai Hills to create similar farms for Europeans known as the Kipkarren and Nandi Farms. Among the families hardest hit were those of leading clan elders such as Indumule (i.e. Indimuli?), Ditale (i.e. Litali?) and Kakai (who served as chief of the Kabras).

The issue of land claims by the Kabras and the Nandi on either side of the Kipkarren River was not resolved. Colonial officials told the Commission that the land in question belonged neither to the Kabras nor the Nandi. They claimed that the land had reverted to Crown Land after the previous owners abandoned it. Apparently, there were some government records showing that in 1916, many Africans emigrated "willingly" from their homelands in Kabras towards Nandi Hills to avoid forced labor required to construct the new road linking Kakamega and Bungoma.[81] This claim was firmly rejected by the Kabras and the Nandi. For instance, government appointed Chief Mulupi of Kabras presented evidence demonstrating that the Kabras had legitimate claim over the contested lands. Clan elders thus, had a right to ask for the return of alienated land that went into the making of Kipkarren Farms.

The Commission also received additional evidence from other Kabras clan elders such as Kakai and Lumbasi, the latter who had previously served as chief of the Tachoni

[81] The leaders of this protest identified as Ditale (Litali?) and Indumule (Indumuli?), were arrested and sent to prison in Kisumu. Thus, when Indumule filed claims to have his family lands returned to him, the DC declined to do so, arguing that he (Indumule) failed to present satisfactory reasons explaining his earlier emigration from Kipkarren. In many instances, prolonged voluntary abandonment of individual family lands usually resulted in the loss of tenure rights to the land. This case was not resolved and the matter was left pending. For a detailed discussion of this issue, see the *Report of the Kenya Land Commission. Evidence and Memoranda,* Vol. III p. 2205.

(Tatsone)[82] sub-ethnic group of the Luhya in North Kabras. He was sent into exile among the Bukusu in the then North Kitosh and lost his homestead and property. A protest movement by the Kabras people led by Lumbasi against land alienation in regard to the Kipkarren Farms lands irked the colonial office culminating in the exiling of Lumbasi. In spite of all this credible evidence, the Commission sitting in Kakamega rejected the claims presented by Lumbasi and other claimants.[83]

The Kabras leaders were however, not discouraged by the Committee's decision to throw out their demands. They remained persistent in their claims for a return of alienated lands. Several clan elders sought audience with the Commission to push their case forward. Among those who appeared before the Commission was Elder Indumule (i.e. Indimuli). Indumule was very emphatic in his testimony with regard to his land claims. To cite his verbatim testimony before the Commission:

> "I live in Kabras near River Lwandede (i.e. Lwandeti?). Previously I lived at a place called Laimin. In the time when Mr. Bruce was District Commissioner at Mumias..... I was arrested by him with a man named Ditale and imprisoned at Kisumu. Our huts and crops were destroyed and our cattle were taken from us. Some died with the government and the remainder were returned to us....I was not born in Laimin. I was born in Kabras. When Mr. Horne was District Commissioner at Mumias (prewar) I had lived at Laimin for some time. Others in those parts were Kakai and Lumbasi. Kakai was headman of the people in those parts when Mr. Campbell was District Commissioner at Mumias ....he came to meet the District Commissioner, Nandi to arrange the boundary. This was before the war... The Europeans first came to Kipkarren after the war was finished. After I was released from Kisumu, I returned to my home. Two Europeans had settled in Kipkarren. They were Mr. Moore and Mr. Mafwifwe.* When they arrived some natives who had been turned out by Mr. Bruce had returned and were living on what are now the farms. A

[82] The colonial records have numerous incidents of misspelled words or terms such as this one – which refers to the Tachoni as 'Tatsone.' River Lwandeti is also misspelled as R. 'Lwandede.'

[83] However, after careful study of the then map of Mumias sub-district, the Commissioners confirmed that the homestead compounds (i.e. boma) of both Lumbasi and Kakai appeared on the map but the homestead of Lumbasi fell within the boundaries of North Kavirondo District but that if Kakai did not.

> large number were living north of the Kipkarren. They stayed there as squatters."[84]

The strong testimonies delivered by renowned clan elders and leaders such as Indumule and Kakai played a significant role in emboldening Kabras and other African communities to stand up for their land rights. This encouraged more and more Africans in the District to support the land claims before the Committee. The Kipkarren area in Lugari Division became a major point of focus given the rising number of litigations regarding improper alienation of land for European settlement. The Committee was faced by a very tense moment as it tried to re-assure the Africans that no more lands would be taken away from the Reserves. In the meantime, the dispossessed Africans stood firm on their grounds and pressed for a return of the lost lands. In giving his testimony regarding the land alienated from the Kabras for instance, Lumbasi stated thus:

> "It is true that Kakai has a boma near the junction of the (River) Nzoia and Kipkarren River. He has always lived north of the Kipkarren River and is still there on the farm of Mr. Moore, near Lugari. His people reached as far as Laitiri (i.e. Naitiri?). There are two places called Laitiri – both hills on opposite sides of the Nzoia. Kakai's people did not go across the river. Kakai and his people are Abatatsone (i.e. Abatachoni). There are and always have been Abatatsone at Laitiri, north of the Nzoia, but they were not under Kakai. They came all of them, Kakai's people and the others from Sang'alo."[85]

The information presented by elder Lumbasi was very strong and the Committee requested for assistance from the DC's office to help resolve the matter. The Committee had the hope that since the DC's office was responsible for keeping all land transaction and ownership records, the records would help resolve the matter of ownership of the

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[84] Cited from Great Britain. Kenya Land Commission. *Report of the Kenya Land Commission: Evidence and Memoranda* Vol. III (Nairobi: Government Printer, 1933), p. 2206.

[85] Cited from Great Britain. Kenya Land Commission. *Report of the Kenya Land Commission: Evidence and Memoranda* Vol. III (Nairobi: Government Printer, 1933), p. 2205.

contested tracts of land in the Kipkarren River and Kaimosi areas. Surprisingly, the land registry records at the DC's office showed that the lands in question had been officially surveyed, demarcated and set aside for European settlement! The Kabras and other affected groups in the area strongly contested these claims. One oral informant[86] whose father attended the Commission's sessions at Kakamega asserted that the apparent reluctance by the Committee to accept the evidence adduced by Kabras elders caused a heated exchange between the two sides.

Further, evidence extracted from administrative records shows that the boundary between the Nandi and the Kabras had been demarcated long before the lands in Kipkarren were alienated. Therefore, it would be false to claim, as the government did, that these lands were part of the Scheduled Areas. For a second time, elder Lumbasi took up the stand before the Commission and stated thus:

> "I have no recollection of a surveyor coming to demarcate the boundaries of the Kipkarren Farms, nor do I remember the Elders of Kabras being called to discuss the boundary. We did not know that the farms have been given out until the two Europeans, whom I have mentioned arrived. There are many of our people on the farms. All their affairs are settled at the tribunal of Kabras Location...Our chief complaint is that a salt lick which we always used is on the farm of Mr. Cooper....I was present when Mr. Campbell arranged the boundary with the District Commissioner, Nandi. None of our people were left in Nandi by this settlement. The boundary made included all who were living there in North Kavirondo. We did not cross this boundary subsequently."[87]

The Committee then summoned other leading African figures from Kabras Location and other parts of the District who were vastly knowledgeable about the system of land ownership in this area to come and give evidence. Though many elders turned up to do so

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[86] This information was given by Luvisia Ngosasia, OI, Chevaywa, Kivaywa, 2004.

[87] Great Britain. Kenya Land Commission. *Report of the Kenya Land....*, Vol. III (1933) pp. 2206-7

the Committee paid closer attention to the evidence presented by government officials or members of their families. Among the leading Kabras figures to give evidence was an elder called Natembea.[88] Generally known as "Chief" Natembea, he was one of the most respected clan elders among the Tachoni who resided in Kabras under Chief Mulupi of Kabras Location in the present Lugari Division of Lugari District. He stated thus:

> "I live on the farm of Bwana (i.e. Mr.) Major as a squatter. Formerly I was on the farm of Mr. Moore. I am a Mutatsone (i.e. Tachoni) and was born north of the Nzoia in the location of Assistant Chief Amutala. When I was a small boy my family moved and we settled with Kakai's people north of Kipkarren. I have been there since. There were a number of people there when my family settled there, and others came afterwards. I was retainer to Kakai when the Europeans came after the war. When they came, they told us that we were on their farms but we stayed and worked for them as squatters. I was not present when Mr. Campbell and the District Commissioner, Nandi, made the boundary. Kakai was living on the land which is now the farms, when the Europeans came, and stayed on as a squatter. His work as Government headman was taken by a man called Murunga. Four of the farms now occupied by Europeans were formerly occupied by us. The owners are Mr. Cooper, Mr. Moore, Mr. Newton, and Bwana (Mr.) Mafwifwe. There is another farm on this side of the Kipkarren formerly occupied by a Mr. Smith. It is now occupied and the natives who were living on it as squatters have moved to other farms. We claim this land as our own. We have no room to expand here, and were compelled to send our cattle to Kimilili where they all died."[89]

Though several witnesses presented such overwhelming evidence regarding the illegal appropriation of land from the Kabras in the Kipkarren River in Lugari Division for European settlement, the Commission was reluctant to acknowledge this fact. In fact, the Commissioners demanded more evidence in support of the various claims by the Kabras and Nandi clan elders! The most viable explanation for this situation would be that

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[88] Natembea, a renowned elder, was the son of Murembe who hailed from one of the leading lineages among the Tachoni people. He was also closely related to the then reigning government appointed Chief Mulupi of the Kabras Location and Chief Natembea of Bukusu (Kitosh) Location.

[89] Cited from Great Britain. Kenya Land. *Report of the Kenya Land*.....Vol. III (1933), pp. 2206-7.

perhaps the Commission was in a dilemma and might have wanted to use such delaying tactics with a hope of the issue dying out on its own.

On several occasions, the Commission sought the support of influential African figures in trying to dismiss these land claims but this strategy did not succeed. They summoned government-appointed African chiefs and headmen to give evidence, but again this strategy did not always work in favor of the government. For instance, in his evidence to the Commission, Chief Mulama[90] of Kabras reiterated evidence previously presented confirming that prior to the appropriation of the Kipkarren Farms, the Kabras had settled in this area under a headman called Kakai. The settlement, he added, took place hundreds of years prior to the coming of colonialists. Kakai was one of the last indigenous Liguru whose status was transformed into a headman. Chief Mulama strongly protested the appropriation of the Kipkarren Farms for European settlement. He argued that it was unfair for the colonial administration to sanction such an act that left a large Luhya community residing on their former lands as squatters, including the headman, Kakai.[91]

In retrospect, it is surprising that in spite of all this strong evidence against the illegal appropriation of land from the African Reserve for European settlers, the colonial authorities did not take any positive measures to return the stolen lands back to the Kabras. It is even more perplexing that the Commission rejected all the evidence adduced

[90] It should be noted that Chief Mulama did not belong to the Kabras sub-group. He was sent to rule over the Kabras by his father, Chief Nabongo Mumia of the Wanga under the auspices of the British colonial administration.

[91] Across from the Luhya settlement at Kipkarren was the land occupied by the Nandi, the border marked by the Kipkarren River. Beyond this block of land, was the area occupied by the Uasin Gishu Maasai.

before it by the disenfranchised Africans and maintained that the farms in question would remain under European occupation and cultivation. To cite the Commission:

> "The land in which the Kipkarren and Kaimosi farm blocks are situated is native reserves and therefore in a territorial sense cannot be said to be European highlands. But we are asked to define the area within which persons of European descent are to have a privileged position, and since we hold that Europeans should have the same privileges in respect of initial grants and transfers of land in these two blocks as they have in the Highlands proper, we include them in the area covered by our definition...."[92]

It is important to note the coercive alienation and inclusion of such gazetted reserve lands into the definition of the "White Highlands" as demonstrated above angered Africans in whole of Kavirondo. This move confirmed the deep fears the Africans had expressed for long over the potential of losing their lands to settlers. For instance, Chief Charles Kadima from Central Kavirondo, fearing that the government could repeat the same act with regard to their disputed lands, sent a memorandum to the Governor's office demanding a concrete assurance that the definition of such terms will not in future include areas already officially demarcated as African Reserves.[93]

The local branch of the Native Catholic Union of Kavirondo (NCUK) joined the call to stop further alienation of African lands. In a memorandum to the Commission presented by Chief Laurenti as its spokesman, the Union stressed that the Africans in the reserves wanted clear boundaries erected showing the specific territory under each Chief. This would put in check any further losses of African lands to the white settlers. One of the leading African entrepreneurs in the District, Jeremiah Segero, stated that the Africans

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[92] This has been cited from The *Report of the Kenya Land Commission,* 1933, p. 492.

[93] Cited from Great Britain. Kenya Land Commission. *Report of the Kenya Land*.....Vol. III (1933), p. 2208.

wanted all the native forestlands to be placed under the control of the respective African communities. He stressed that Africans were extremely unhappy with the decision by the government to post European conservators to these areas yet Africans could do the job equally well.

The Catholic Union harmonized all land-related petitions and presented the Commission an orderly memorandum. First, the Union emphasized that Africans in the District opposed government-sponsored individual tenure. Instead they recommended that all land should belong to the Chief and clan elders. There were renewed strong petitions against the registration of individual parcels and the issuance of individual title within the Reserve. The Africans argued that they had initially supported the idea of title deeds as a means of guaranteeing the natives their security of tenure in their lands. But this was no longer a viable because the new "foreign" colonial chiefs and the DC had usurped the powers of allocating and administering land. This is the underlying factor why most Luhya sub-groups in the Reserve wanted all matters pertaining to land ownership to revert to the family and clan elders. The only boundaries to be arranged and demarcated in the villages by the government chiefs were those between different chiefs. However, the Union was quick to point out that elders should not necessarily be headmen appointed to their office by the government. In fact, it was generally agreed that if a chief of a location belonged to another ethnic group or clan, then he should not have anything to do with land matters in the clan under him!

Second, the Union proposed a reversal of one of the policy recommendations by the 1930 Committee that barred "foreigners" from outside the clan being allocated clan lands. The Union recommended that so long as there was agreement between the chief, elders and the host family, people from outside the clans could be allocated land. It is most probable that the Africans preferred to have this arrangement in place in order to avoid a situation where an individual would be barred from settling on and cultivating land allocated to them under the usual indigenous kinship tenure arrangements. The DC, Mr. Thompson assured the Commission that "(I)mmigrants into one location from another would be tenants only. Interpenetration is being advocated in order to relieve congestion in certain areas. It is probable that insecurity of tenure does not tend to retard interpenetration. Compensation for improvements affected by a tenant is only equitable, but I am unable to vouch for native opinion on such a suggestion."[94]

Third, it was generally felt that members of the Local Native Councils (LNCs) should be excluded from matters pertaining to land ownership. This is because in their capacity as government appointees, such individuals tended to make land allocation decisions that leaned heavily in favor of the official side. It was deemed that clan elders and the local chief were adequate to handle land matters.

Fourth, the Union strongly objected to the empowerment of the DC in usurping the powers of the chiefs and clan elders to allocate land. Citing the case of the land allocated for Swahili quarters and Nilotic settlement in Kakamega that had raised a lot of

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[94] Great Britain. Kenya Land Commission. *Report of the Kenya Land*.....Vol. III (1933), p (2308?).

controversy, it was felt that the chief and elders were the ones knowledgeable enough and legitimately empowered to carry out such activities. Fifth, the Africans expressed heavy concerns over the government alienation of land hitherto set aside by clans for expansion and use during needy times. Indeed, such lands had been alienated in various parts of the district without any due compensation being paid to the affected African communities. Instead such communities were forcibly sent to Mt. Elgon, Kiminini, Saboti (in Trans Nzoia) and Kaimosi for re-settlement where they were least welcome by the host clans who saw them as intruding strangers. Thus, in addition to demanding a return of the alienated lands, the Luhya demanded that the government set aside adequate land for their progeny.

Last but not least, in addition to placing demand to be allowed to grow coffee, the Luhya as a whole requested that the government relinquish the ownership and control of the Kakamega Forest for purposes of expansion. Apparently the Kabras, Tiriki, Isukha and Maragoli viewed the forest as a reserve for the African communities. They censored the government very heavily for its decision to take over the forest on the premise that the African lacked knowledge of the value of trees and forests– yet at the same time the government had allocated eastern portions of the forest to European farmers who had cut down trees to create farm land for planting coffee under the auspices of Kaimosi Farms![95]

In more than one way, the 1932 Land Commission did not differ substantively from its predecessor in terms of addressing the plight of the African communities with regard to

[95] The Africans were very incensed that the government had take away the control of the forests from them on flimsy grounds and allocated it to European farmers to grow the same coffee and other lucrative crops denied to Africans.

land. The Commission totally ignored the African land question. In fact, contrary to evidence and reality, the Commission concluded that it was satisfied with the amount of land allocated to African communities in the reserves. In arriving at such decisions, the Commission largely disregarded evidence by Africans and instead opted to rely on the views and statements by European colonial officials and a few Church-missionaries. It observed that there was no justification for giving the Africans any additional land. To cite the Commissioners:

> "General opinion expressed by Europeans witnesses, including administrative officers and missionaries, is that no extension of the reserves is necessary at present. We invite specials attention to the evidence of the Provincial Commissioner and Archdeacon Owen. We accept this view and express the general conclusion that the Kavirondo Reserves are adequate for the needs of the natives...It is possible that in the more distant future, there might be congestion if general conditions, apart for population, remain as they are, but we are confident that the advance to be expected in agricultural skill and practices will improve at once the standard of life and the capacity of the reserves to carry a greater population"[96]

Further, the Commission did not pay adequate attention to the counter-claims over land between different ethnic groups. Thus, the boundaries between the clans and ethnic groups in the district and those in the neighboring areas such as Central Kavirondo occupied by the Luo people did not change. The matter of inter-ethnic animosity emanating from contested land claims that had resulted in several fatalities was also unbelievably dismissed by the Commission. Further, ethnocentric tendencies exhibited by diverse groups aimed at protecting "ethnic" lands were not considered as a serious phenomenon. In fact, the Commission held the view that "tribalism" was not a permanent

[96] See *the Report of the Kenya Land Commission* 1932, p. 291.

condition and that all that was needed was for the colony to become civilized fast enough and that would be enough to get rid of "tribal" values. To cite the Report:

> "Furthermore, tribalism cannot be considered as necessarily permanent in itself, but is merely a stage in social evolution. When tribalism vanishes, land reserved forever for a particular tribe is meaningless. While therefore we have taken care to recommend the reservations of adequate land for the present and immediate future needs of each tribe, and have provided for the contingency that a tribe may need to extend its boundaries still further by means of the Governor's power to add reserves or by means of a tribal lease, we have devoted equal attention to the provision of means whereby individuals may, so to speak, hive off from the tribe, and go take up land in (other) areas on lease."[97]

With that, the Committee wound up its part in land question in the Reserves on the whole and in the present Lugari Division in particular. The Committee, though commended for the wealth of information it collected on diverse systems of land ownership across the colony, was a big disappointment with regard to the land question in Kenya.[98] In spite of concrete evidence of land alienation, the Committee did not take any measure to address the plight of the Africans in the reserves. It is important to take note of the fact that the refusal by the colonial administration to return land wrongly alienated from the Kabras and Nandi in the Kipkarren area left a deep agrarian cleavage in these two communities. That the underlying causes of this situation were not addressed, it was to be expected that this agrarian fissure was to resurface many a times with far-reaching impacts on inter-ethnic relations. As it will be demonstrated in the succeeding chapters, this oversight did not go down well with the Africans and it party contributed to the rapid rise of nationalism in the rural areas.

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[97] See *the Report of the Kenya Land Commission* 1932, p. 380.

[98] Rita M. Breen, "The Politics of Land: The Kenya Land Commission (1932-33) and its Effects on Land Policy in Kenya." Ph.D. Thesis, Michigan State University, 1976.

3.9 Conclusion

Throughout the first three decades of colonial rule as colonial capitalism sought to entrench its extractive processes in the colony, there was rising discontent among the Africans. This was in regard to issues such as land alienation, taxation, forced labor on public works, compulsory inoculation of livestock, stock quarantines and anti-squatting legislation. These factors engendered a growing rift between the African communities in the Reserves and the colonial administration.

Further, restrictions imposed on free movement of individuals and foodstuffs from one district to another caused increased tension between the Africans on the one hand and the colonial administration on the other. For the African accustomed to exchanging a wide range of goods and products such as iron tools, pottery, livestock and grains both as gifts and for a variety of social obligatory and cultural practices, the new restrictive laws were virtually repugnant. Similarly, African communities opposed the new land ownership regulations on individual title and registration. This led to renewed resistance to consolidation and individual registration in some parts of the colony.[99] This fear was founded especially after lands hitherto earmarked as native reserves in the Kipkarren and Kaimosi areas were forcibly alienated and given to European settlers.

That apart, the interpretation of the operational mechanisms of the Luhya Land Law and Customs with regard to the adoption of absolute individual title and tenure rights was an

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[99] Evidence and testimonies presented by Africans to the Kenya Land Commission shows many Africa communities opposed consolidation over the fear of losing their lands once they become consolidated and hence, "better." For a detailed outline of this argument, see for instance W. R. McGeah, *Kenya Land Commission. Evidence and Memoranda.* Vol. 3 (Nairobi: Government printer, 1934).

aspect that the colonial officials had to handle with caution. To begin with, African communities rejected the wholesome application of the concept of communal ownership of land. Of course there were specific geographical stretches of land that belonged cumulatively to a given ethnic group. But Africans were weary of this "communalism" interpretation because it implied that no individual had express security of tenure of the specific potion of land that he and his family cultivated. This fear emanated from the fact that Europeans had forcibly annexed huge tracts of land owned by various Kenyan communities on the grounds that these lands were "empty" or that they belonged to nobody in particular – especially the seasonal pasturelands among the pastoral Maasai and Nandi and the reserve lands among the Bantu people alike.

The Africans were eager to emphasize that while the ethnic and clan group owned the geographical areas under their jurisdiction, each family owned the specific portion of clan lands allocated to it (and its kinship members). This perception at least assured individuals of their security of tenure in land within the increasingly competitive environment precipitated by colonial land alienation.

In the Reserves, rapid population growth precipitated increased litigation over land as more maturing youth began scrambling for the little land available. Norman Humphrey[100], Gunter Wagner[101] and my own work, i.e. Esese[102] show that the upsurge in the new urge for individualized title and claims to full ownership of land among the

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[100] Norman Humphrey, *The Liguru*...1947.
[101] Gunter Wagner, *The Bantu of Western Kenya*.....1956.
[102] Danson Esese, "Agriculture and Socio-economic.....1990.

various sub-groups of the Luhya first started in those areas with high population pressure such as in Maragoli and Bunyore. It is therefore admissible that increasing population pressure made individuals to become more vociferous about their tenure rights in land and protection of the same.

In our view, the colonial administration did not perceive the aspect of land ownership as a critical component of the African economy in the same way the Africans did. In fact, more often than not, the colonial approaches to this aspect emphasized modalities of land use and productivity more than the element of ownership. This explains why in the contest for more land, the colonial administration tended to focus on increased productivity than allocating more land. Therefore, rather than focus on land re-distribution among Africans as a way of resolving the emerging land ownership crisis, the colonial administration focused on tightening the rules governing agricultural production and the movement and marketing of African produce. In this regard, the government enacted the Crop Production and Livestock Ordinance No. 3 of 1926. A sort of land mark in the evolution of state policy with regard to agriculture, the Ordinance gave the Governor-in-Council wide-ranging powers to make rules especially for the improvement of crops; prevention of waste and destruction in the agricultural sector; control of marketing; determining (or limiting) the number of stock in any area; improving stock quality and controlling the disposal of surplus stock and grains. Strict measures and punitive fines were enacted to enforce this ordinance.[103]

[103] For instance, any African caught breaking any of the provisions of the ordinance faced imprisonment for six months with a fine of shs. 500.00. All foodstuffs and livestock involved in such cases was confiscated by the colonial administration. Essentially, the Ordinance was intended to send a clear and stern message to Africans in the Reserves. The message was that the colonial administration had legally

The advent of colonial rule had a major socio-economic impact on the African livelihoods in the present Lugari Division. The effects were heavily felt after the process of land alienation was followed by the imposition and enforcement of forced taxation and public labor. Between 1904 and 1939, various Native Labor Ordinances were passed legalizing the use of unpaid forced labor from the Africans. The ordinances were enforced because the Africans were not readily forthcoming to take up the heavy, manual work that had not only deplorable working conditions but carried pathetic wages if any at all. Thus, hardly a decade into the colonial era, the combined effects of land alienation, forced taxation and forced labor generated strong feelings of anti-colonialism among the Kabras and other communities in the colony living under the same harsh conditions.

The foregoing aspects impacted the system of land ownership in more than one way. That the Kabras and the Nandi lost large tracts of their previous clan lands can be seen in the deplorable living conditions in the overcrowded African Native Reserves. Unfortunately, in spite of the overwhelming evidence adduced by the Kabras and other African sub-groups before the 1930 Land Tenure Committee and the Kenya Land Commission of 1932, no remedial measures were take to address the situation. The deep-seated stress anger, restlessness and frustrations that followed this in North Kavirondo district should have been anticipated by the colonial administration. The Commission acknowledged

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assumed the control of production, distribution (or movement) and disposal of both food and livestock in the colony. The failure of the earlier regulations in stopping the movement of livestock especially sheep and goats into and out of the settled areas in the neighboring Uasin Gishu and Trans Nzoia districts made the authorities to pass supplementary legislation to contain this situation. Under the Diseases of Animals Ordnance, the movement of goats out of the Reserve was prohibited. This measure caused great economic hardships for the Africans who often used income from the sale of goats to pay taxes. Further, the DC Kitale (Trans Nzoia) issued a new order requiring that no native be given a cattle pass to his area without his permission as a way of preventing large squatter livestock population on farms.

however thinly that the incessant inter-clan and inter-ethnic contests regarding boundaries was not a phenomenon emanating from atavistic, inter-ethnic animosity but from genuine concerns regarding land ownership precipitated by increasing competition for land and decreasing amounts of landholding per household. Unfortunately, the colonial office paid little or no attention at all.

From 1933 onwards, the colonial administration focused its attention on the auxiliary recommendations by the Committee in regard to solving the land issue in the Reserve. The Committee had impressed that the quickest way to resolving the socio-economic problems facing Africans in the reserves was the introduction of advanced systems of farming that would increase income from the available farms and thus quell the tempo for more land. Consequently, between 1933 and 1935, the Kabras were highly encouraged to start using the ox-plough and to plant the new high yielding variety (HYVs) seeds being widely circulated in the district. Similar efforts were made in the livestock sector where the Africans were encouraged to keep the high quality cross breed cattle as a first step towards graduating to rearing pure grade dairy cows. By the end of 1935, the Kabras had began embracing the new agricultural practices.[104] We will pick up this analysis in the next chapter.

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[104] The farmers training and demonstration center at Sangalo near the present-day Bungoma was a major point of imparting new agricultural ideas and skills to Africans. The center served a huge hinterland and produced some of the first generation of highly trained agricultural extension officers in Western Kenya. They had constructed three new hide-preparation sheds (Bandas) and three new field dairy posts under the supervision of the Veterinary Officer stationed at Sangalo. The main dairy operated full year round and produced 16,450 pounds of milk out of the total 1,203,640 pounds produced by the entire district.[104] Though this appears to be a good record in terms of performance, oral sources stated that the Kabras produced more milk than what the factory figures reflect because a good amount of this milk was sold in the open market and to buyers from outside the location.

CHAPTER FOUR

4.0 Rural Discontent and Changes in the System of Land Ownership in Lugari Division, 1935-1960.

4.1 Introduction

The period between 1935 and 1960 in Kenya's agricultural history witnessed significant changes in the policy on land ownership against the backdrop of sustained African nationalism. In more than one way, the economic and political events that occurred in the preceding period between 1914 and 1935 provided a strong foundation upon which the developments witnessed in this period were grafted. In addition, World War II provided a great ideological and political impetus to the African initiative with regard to demand for their political and economic rights. More than ever before, this period saw heightened activities in the Reserves over the unresolved issues of land alienation, heavy taxation and lack of political representation. Unlike the previous years marked by a disregard of African quest for land by the colonial office, this period witnessed greater attention to matters pertaining to land ownership and African agricultural policy.[1]

This Chapter begins with an analysis of the growing rural discontent in the North Kavirondo District over land shortage and colonial regulations that restricted African productivity. The analysis moves on to focus on the outbreak and impact of World War II on the system of land ownership and on the socio-economic organization of the African communities. The policy changes implemented by the colonial administration to improve

[1] For a good reading on the evolution of the smallholder agricultural policy in regard to this study, see for instance, Anne Thurston, *Smallholder Agriculture in Colonial Kenya: The Official Mind and the Swynnerton Plan.* (Cambridge: African Studies Center, 1987); Patrick O. Alila, "Kenya Agricultural Policy: The Colonial Roots of African Smallholder Agricultural Policy and Services" *Institute for Development Studies*; *Working Paper No. 327*, University of Nairobi, 1977.

agricultural performance in the Reserves are presented alongside the growing African nationalist activities. The discussion proceeds to focus on the African Land Development Program (ALDEV) and the Swynnerton Plan of 1954 and their impact on the system of land ownership in Lugari Division. The chapter ends with an assessment of the impact of African nationalist pressure on land reform policies and in particular on the system of land ownership in Lugari Division.

4.2 The African Land Tenure Commissions and Land Ownership in Lugari Division.

The apparent failure by both the 1930 Committee on the Native Land Tenure System in North Kavirondo and the 1932 Kenya (Carter) Land Commission to resolve the contentious issue of land alienation and overcrowding in the Reserves pointed to the impending crisis facing the issue of land ownership in the colony. This is precisely so because throughout the decades of the 1920's and 1930s, it was becoming gradually clear to the colonial authorities that certain fundamental reforms needed to be taken to avert a major catastrophe in the African communities with regard to the system of land ownership.[2] The manner in which land hitherto belonging to Africans had been violently alienated for European use had left Africans very apprehensive to state-sponsored policies in land ownership. Indeed, nearly all African communities in the district had filed serious grievances related to the loss of their clan lands to the two Commissions mentioned above but no serious remedial steps were taken.

[2] There were loud protests from Africans going back to the early 1920'over discrimination in the allocation of land. This was more pronounced during the re-settlement of the soldiers who had fought in the British forces in World War I. While the European ex-soldiers were settled in programs like the Soldier Settlement Scheme, the Africans were quickly herded back into the Reserves with no reward at all.

In both reports of the Land Commissions mentioned above, and as we shall see below, the general consensus among the colonial officials was that the main issue in the Reserves was not lack of adequate land, but that of poor utilization of the available land. This perspective explains why land matters among Africans in the Reserves were cumulatively lumped together and treated as one entity in spite of the diversity therein. Yet as it became evident, tensions within families and between clans generated by the policy of surveying and registering all pieces of land in the Reserves was in itself a major indicator of the sensitiveness of land ownership matters. The shortage of land could not be simply wished away. For instance, the better part of the area covered by the present Lugari District then named "Kabras" had a total population of 12,200 persons occupying a small area covering 200 square miles thus giving it a population density of 61 persons per square mile.[3] This situation led to harsh contests over land. Both at the local and regional levels, the resultant competition for land cumulatively built up simmering pressure and discontent that was likely to explode into a serious conflagration.

This study contends that the persistence of the land question resulted not from the intractability of the question of land itself but from the fact that the colonial administration did not pay adequate attention to the land ownership grievances presented by Africans. In addition to this, the colonial authorities did not make comprehensive use of the advice, observations and recommendations made by strategically located personalities like African community and church leaders. Church leaders such as

[3] This data is extracted from KNA: DC/NN.1/16, *North Kavirondo District Annual Report, 1935*, p. 30.

Archdeacon W. E. Owen[4] presented the government with critical advice regarding the system of land ownership in the province. His advice was derived from assessing recommendations of the Carter Commission and views expressed by African leaders. Unfortunately the colonial government did not take full note.

Rev. Owen for instance observed that before the Carter Commission considered whether native land should be held under ethnic or individual tenure, it was essential to allay the deep fears held by the Africans over the new proposed fees to be charged for survey and registration of individual parcels. Africans strongly opposed the proposed land registration fees because they feared that by agreeing to make such payments, it would amount to them "buying" their own land back from the Europeans. To the Africans, this was an inadmissible act because it would lend credence to the colonial claim that the Africans did not own the alienated lands prior to the advent of colonialism. Arch. Owen noted: "They do not want to consent to anything which could be construed as an admission that they had not the ownership of the land. Also they are nervous lest the fees should be high, and recurring, perhaps annual, and become a burden."[5]

Both in Central and North Kavirondo, the church adherents were deeply fearful of losing their lands through alienation as it had been witnessed in the case of Kipkarren and

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[4] Archdeacon Owen (or Rev. Owen) was a powerful Church Missionary Society member who, as a missionary in the troubled Nyanza province, became famous for standing up to defend the rights of his flock – the African Native of the then Kavirondo Province (later, North Nyanza). For a detailed study on his activities see for instance, Nancy Uhlar Murray, "Archdeacon W. E. Owen: Missionary as Propagandist" in *The International Journal of African Historical Studies,* Vol. 15, No. 4 (1982), pp. 653-670; Leon P. Spencer "Christianity and Colonial Protest: Perceptions of W. E. Owen, Archdeacon of Kavirondo" in *Journal of Religion in Africa*, Vol. 13, 1 (1982), pp. 47-60.

[5] As Arch. Owen also pointed out the use of the term "registration of land" was problematic in the mind of the Africans because it was akin to the registration of persons under the loathed Kipande system. Cited from *Report of the Kenya Land Commission, Evidence and Memoranda*, Vol. III, p. 2201.

Kaimosi Farms. Besides, many Africans feared that the survey and registration fees might be exorbitant, making it impossible for the poor households to pay for the registration of their parcels. Several households had already lost their family (read ancestral) lands to wealthier individuals under such circumstances, hence the fears. The Reserves were already inundated with complaints over heavy taxation and lack of adequate monetary resources to pay them and thus, it was not feasible where more money would be obtained to pay these fees. As Arch. Owen also pointed out the use of the term "registration of land" was problematic in with the enforcement of the survey and registration of individual parcels, most Africans were very apprehensive about the other proposed legislation pertaining to land ownership. One of them i.e. Proposal 8 gave the DC the powers to make the final decision as to when an individual could be allowed to settle on land belonging to another clan or sub-ethnic group. Such arrangements had always been conducted amicably between the concerned parties using customary procedures under the auspices of the local clan leaders and village headman. Thus, it was generally felt that by usurping powers hitherto vested in the elders of the clans, the colonial government was over-stepping its bounds with regard to the system of land ownership. Africans knew that indigenous systems of acquiring land through such arrangements would be rendered void if the new registration procedures were to be implemented.

Similarly, there was widespread discontent with Proposal 12 that outlined new procedures for individual acquisition of land. The proposal stated anyone who needed land had to apply first to the village headman (liguru) of his area of jurisdiction. Headmen were empowered to allocate land to any legitimate applicant under their

jurisdiction. However, if the headman could not allocate the applicant any land, the latter was to submit his request to another Headman of another village (i.e. lugongo) or clan. In the event that there was no land to be allocated at this level, the applicant was now allowed to petition the DC to allocate him land. Africans were very unhappy with this unnecessary bureaucracy and called for its discontinuation. Even in areas like the present Lugari District where huge tracts of African lands alienated for European settlement lying idle, Africans were not allocated any land. Consequently, all new land applications in this area ended up in the DC's office at Kakamega. In any case the local clan elders had already made submissions to the Commission stating there was a serious need for more land (and hence the quest for a return of the alienated lands in the Kipkarren Farms). And it is to this that we turn to next.

4.3 Land Ownership, the Kabras and Rural Discontent in Lugari Division

As mentioned above, the period preceding World War II was marked by continued pressure by Africans for reforms in land ownership and other economic and political demands. Frustrated by the lack of commitment to resolve the pressing land issues and the de-regulation of African produce and livestock movement, the leading African personalities[6] in North Kavirondo district adopted a new strategy. Instead of relying on Church leaders to air their grievances, they joined the growing ranks of the newly-formed North Kavirondo Central Association (NKCA) to press for reforms and the return of alienated land. The presence of the NKCA in the district was first noted in January 1934. By mid 1935, it had opened a branch office at Lwandeti among the Kabras in the present

[6] At the lead for political change and reform in land ownership were mostly the Mission-educated graduates some of whom had interacted with Africans who had traveled abroad and learned the principles and virtues of the declaration of liberty and equality.

Lugari District. The NKCA was closely modeled along the Kikuyu Central Association (KCA) formed by Eliud Mathu in the Central Province of Kenya.[7]

From the time when this Association was launched in the district, there arose a struggle between its leadership and the colonial administration over the control of public opinion in the Reserve. The NKCA leadership appealed to the African communities presenting the organization as their only way towards regaining their lost lands and for attaining economic and political reform. While the NKCA leaders boasted of a mass following in the district with large crowds turning up for their meetings, the colonial administration downplayed its numerical strength, stating that those who had joined most were not of any substantive social standing, i.e. the never-do-wells![8]

Members of the local NKCA branch in Kabras took advantage of the rising numbers of its memberships to press for the return of alienated lands and for more openings on the political front for African participation. In some instances, members of this Association joined those of a pseudo-religious sect, Dini Ya Msambwa (DYM)[9] to press for these

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[7] The KCA quickly became the torchbearer in Kikuyu African nationalism and began agitating emphatically for the return of alienated land. The DC for North Kavirondo was quick to note the close relationship between the two organizations, noting that the local NKCA president had at one time resided in Nairobi where he got involved in the KCA activities. See further notes on this in KNA, DC.NN.1/16 *North Kavirondo District Annual Report*, 1935, p. 7.

[8] The colonial administration for most part, tended to perceive the NKCA as a non-entity in regard to the quest for political reform. To cite the DC: "The Association...is undoubtedly an offspring of the KCA but its leaders do not appear to have the ability and intelligence displayed by those of the parent body. They continue exhorting the missionaries, who have taught them what little they know, cease occupying land in the Native Reserve and return whence they came." KNA, DC.NN.1/17 *North Kavirondo District Annual Report*, 1936, p. 1.

[9] This was a controversial pseudo-religious and semi-cultic movement formed by Elijah Masinde in 1938 to fight for the expulsion of the white man and his values. The movement had a complex mix of African traditional religion; Christian religious, and Islamic worship traits all bundled into one entity. The movement caused a huge concern in colonial administration circles due to its large following and destruction caused on government establishments and the anti-colonial sentiments it spread.

demands. DYM was most active in the neighboring Bungoma District among the Bukusu. DYM campaigned for the expulsion of the European and the reversion of all alienated lands back to the indigenous African owners.[10]

These organizations attracted many people in the villages because of their messages carried promise for change. At one of the meetings held at Kipkarren River Township in May 1935, the NKCA leaders estimated more than 400 members in attendance. The DC was of the opinion that most of the recruits into the NKCA were "drawn from the semi-illiterate class with the exception of the Roman Catholics who, as usual, hold themselves strictly aloof."[11] However, records of the movement show that the membership cut across the societal fabric of the African communities. In his annual report, the DC acknowledged that in spite of the "paucity of their members," the NKCA had quite some effect in the district having established branches in almost all locations.

The struggle between the African Reserves and the Scheduled Areas for economic survival continued as WW II drew near. Colonial officials became apprehensive about the increasing influence by the NKCA and DYM among African laborers and squatters in Trans Nzoia. They blamed "agitation by these two bodies for the numerous labor riots, uprisings and work stoppages against low wages, poor working conditions and

[10] For a detailed discussion of the aims, objectives and strategies employed by Dini Ya Msambwa, see Audrey Wipper, *Rural Rebels: A Study of Two Protest Movements in Kenya.* (Nairobi, New York: OUP, 1977); Paul Vermouth "Rural Rebels: Audrey Wipper and Dini Ya Msambwa" in *Journal of African Historical Studies*, Vol. 13, No. 2 (1980), pp. 314-5.

[11] KNA, DC.NN.1/16 *North Kavirondo* ....1935, p. 8.

restrictions against the movement of African livestock into the settler areas.[12] Many individuals used the prevailing good producer prices for grains to pay off fines against participation in these organizations. The provincial administration recommended strict controls on the marketing of African produce and hence source of income.

At the local level in the present Lugari Division, the government endeavored to put a more effective control on the movement and marketing of African produce mainly to reduce the monetary income spent on such maters. To this end, the Native Produce Inspection Rules of 1935 allowed for the compulsory inspection of native produce at various centers. Next, the Marketing of Native Produce Ordinance No. 28/35 that came into full effect on 1st January 1936 put strict caps on the amount, quality and range of African produce that could be marketed both within the Reserve and in external market points. This is an important point to note because more than anything else, this legislation elicited strong protests from African communities because it curtailed their customary practices of exchanging gifts of food grains and livestock for certain ceremonial activities.

The implementation of this Ordinance therefore, marked an important watershed in the economic terrain of the Kabras and other affected African communities in North Kavirondo District. From this time onwards, no African was allowed to market his produce either within the Reserve or outside without the produce bearing an approval

[12] For a discussion of the resistance activities by Dini Ya Msambwa in relation to the deepening socio-economic conditions among African laborers in the European farming sector, see for instance Paul Vermouth "Rural Rebels: Audrey .... (1980), pp. 318-9.

stamp from the African Produce and Inspection official situated at the designated African Produce and Inspection Centers (APICs).[13]

On the whole, in spite of concerted campaigns, there were no prospects of the alienated land being returned to the Africans. Some oral sources[14] emphasized that in the period leading up to World War II, many individuals in the Reserves had started looking for ways and means away from the crowded lands to earn a living. More households fell back to dairy livestock keeping as a basis of emboldening their economic survival. Indeed, as the year progressed, those individuals who had embraced dairy farming stood to benefit somewhat from the construction and commissioning of a model dairy by the Kipkarren Dairy Company. This dairy facility was highly commended by the colonial administration because apart from its then modern design, it was a complete model unit fully fitted with hygienic byres and washing rooms among other essential facilities. The dairy supplied clean and high quality milk to the large number of Europeans in Kakamega town and the nearby gold fields.

The increasing influence and call for reforms in land ownership and political change spearheaded by the NKCA was strongly condemned by the colonial administration. The consensus in colonial circles was that the NKCA was on the forefront of fomenting civil

[13] It has to be noted that the restrictions on the movement of African produce also extended to livestock. The settlers in Uasin Gishu and Trans Nzoia districts have complained bitterly about the large number of African livestock reaching the squatters from the Reserves. The settlers blamed the un-inoculated livestock for spreading diseases to their livestock in the highlands. The Veterinary Officer stepped up the enforcement of the livestock control regulations resulting in the return of 6,250 cattle belonging to Africans to the Reserve that were headed for the European settled areas allowing only 326 to pass!

[14] The oral respondents who provided this information are James Mwivande Masika, OI Chevaywa, 2004; Gabriel Wanyama, OI Chevaywa, 2004.

unrest and political trouble and thus, risking the achievements being made in farming. The provincial administration expressed deep anger and frustration with the increasing influence of this organization in the Reserves. For a long time, the administration stuck to the belief that lack of economic prosperity was the main factor behind the increased levels of agitation from the Africans in the Reserves. Colonial officials argued that if the district could achieve rapid economic recovery from the past destruction caused by locusts and depressed African agricultural producer prices, the villages would be more contended and thus, less restive.

It was theorized by colonial officials that high levels of economic prosperity would make organizations such as the North Kavirondo Taxpayers Welfare Association (NKTPWA) and now the NKCA to have little or no audience at all in the district. However, this premise proved to be wrong because even after the 1935/36 harvest season proved to be good and the agricultural producer prices very high, the NKCA activities expanded tremendously throughout the district. Even more disconcerting to the colonial authorities was the opening of an NKCA branch among the Samia in an area where in the words of the DC "cotton is supposedly to have made the population wealthy but not contended."[15] Apparently, the creation of such wealth was not effective in suppressing the grievances among the Africans! To the contrary, the Association made deep thrusts into the district recruiting a large number of new members.[16]

[15] KNA: DC/NN1/18: *North Kavirondo District Annual Report*, 1936, p.1.
[16] Information obtained from KNA: DC/NN1/19: *North Kavirondo District Annual Report*, 1937, pp.1-2.

The pressure from these African nationalist bodies for reforms in the system of land ownership and other issues became too momentous for the colonial administration to ignore. It was evident that the large following these organizations commanded in the Reserves and across the entire colony was increasingly making administrative work very difficult. Thus, rather than persist in trying to curb these nationalist activities, the administration opted to co-opt the top leadership of these organizations into the government. Consequently, the provincial and district administration bodies were forced to create room for NKCA representatives who had now edged their way to local administration board sittings. For instance, the Kabras NKCA representatives were very vocal during Board meetings to discus compensation to Africans for their land taken by the government. They exerted similar pressure during motions to discuss tax exemptions due to economic hardships.[17]

The NKCA found a strong foothold to expand its campaign in the Kipkarren River-Lugari district belt and especially among the Kabras by exploiting the growing resentment against the heightened and forceful implementation of the African Produce Inspection regulations among other measures. For instance, from 1936 onwards, the Kabras were not allowed to use the API Center at Kipkarren River Township on the Lugari/Uasin Gishu Districts boundaries. They were instead directed to use the one

[17] Shortly after the NKCA representations started sitting on the local District administrative Boards, there was a sharp drop in the taxes collected in most of the 24 locations. Initially, this was blamed on agitation and incitement by the NKCA for Africans not to pay the taxes. However, it was later revealed that overcrowding in the most affected locations such as Maragoli, Bunyore, Kabras and other parts of Kakamega had induced huge emigration by Africans to the Highlands and to the upcoming industrial centers such as Thika, Ruiru, Mombasa and Nairobi in search of temporary wage employment.

located 20 miles away at Broderick Falls[18] (i.e. present day Webuye). The NKCA also took advantage of the resentment by Africans over the introduction of an inspection fee of 3 cents per bag of maize to call for an end to colonial control over African affairs. The new fee elicited protracted protests from the Kabras who saw it as part of the wider scheme by the colonial establishment to rip them off their hard-earned income.[19]

The protests were heightened especially when the colonial administration proposed to impose a similar tax on finger millet. The district had a very good finger millet harvest especially with the newly introduced early-maturing "Bukura" species. Many households adopted the cultivation of this new high yielding species as one of the strategies to increase food production in the face of reduced and declining household landholding sizes. Finger millet was also widely used as a form of currency in local exchange and was also an integral component of a wide range of cultural and customary transactions and activities. Increased cultivation of the "Bukura" species explains why a large amount of bulk seed was distributed from the LNC seed farm at Kakamega. Also increasing in popularity were the two new varieties of quick maturing sorghum species named "Dobbs" (after the District Agricultural Officer, N. Kavirondo, Mr. Dobbs) and "Kano."[20]

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[18] The town of Webuye was previously known us Broderick Falls which was abbreviated to BDF. Some oral sources claim it was named after one of the leading White Farmers in the area but it is generally agreed that the name is derived from a beautiful waterfall to the east of the town (perhaps named after the European who "discovered it) where River Nzoia descends from the south-eastern tip of the Chetambe hills dropping down to the low peneplains of Bungoma District.

[19] Oral sources explained that the inspection fee was suspiciously looked upon because it was hastily imposed on the natives at a time when there was a bumper maize harvest and the price had increased from the usual average of shs. 6/= to shs. 10/= per bag.

[20] The period between 1935 and the end of World War II witnessed sustained adoption of improved seeds and agricultural innovations in most of North Nyanza province. (See KNA, DC.NN.1/19 *North Kavirondo District Annual Report*, 1937 p. 71) However, the aspect of economic development (or underdevelopment) of the Nyanza province is a topic that has elicited heated debates. For instance, while there are those who discuss this phenomenon within the ambit of economic development such as Hugh Fearn, others like P. Anyang' Nyong'o take the opposite interpretation and see this as a process of

In addition to the economic potential from the new finger-millet and sorghum species, many households in the present Lugari Division took up dairy livestock farming to generate more monetary income. The adoption of improved seed and dairy livestock breeds had a significant bearing on the system of land ownership because they heightened the value of and contest over land, hence the rise in family and inter-clan land litigation. These aspects comprise part of the wider socio-economic changes wrought by the rapidly changing rural terrain and it is to this aspect that we turn to in our next section.

4.4 Land Ownership, Socio-economic Change and The Settler Factor

During the period leading to the start of World War II, the economic struggle between the Reserves and the White Highlands reached an all time high. The conflict between Africans in the Reserves and the colonial authorities over the movement of African livestock between the Reserves and the European settler districts of Uasin Gishu and Trans Nzoia reached crisis levels. This struggle was caused by the sustained increase in the movement of a large number of African livestock either for bride price or any of the numerous customary transactions between the Reserves and the settler farms. For instance, in 1937, over 95% of the stock moving into the settled areas belonged to squatters while the remaining 5% comprising of new livestock purchased by European farmers. About half of all the squatter stock comprised of heifers that were mostly used in

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underdevelopment. See Hugh Fearn, *An African Economy: A Study of the Economic Development of Nyanza Province of Kenya, 1903 – 1953*. (London/New York: Oxford Univ. Press, 1961); Peter Anyang' Nyong'o "The Development of a Middle Peasantry in Nyanza" *Review of African Political Economy*, No. 20, Kenya: The Agrarian Question (Jan. - Apr., 1981), pp. 108-120.

the payment of bride price and a wide diversity of exchange transactions.[21] The new anti-squatter stock regulations provided for confiscation of such stock found illegally moving into the settler districts.

The lack of an effective barrier between the Reserves and the neighboring settler districts made it virtually impossible to halt the movement of illegal livestock. A local legislation was passed to bar the movement of un-inspected (and hence, unbranded) livestock into the settler districts. However, following a loud outcry from the settler population, the Veterinary officer stationed at Eldoret began taking stern legal action against Africans found moving unbranded livestock. Though heavy fines were imposed on those caught breaking the law, this did not effectively curb the illegal movement of unbranded livestock from Kabras into Uasin Gishu. A large number of unbranded livestock was moved under the cover of darkness at night. Further, some Kabras households with the assistance of the Maasai bypassed the law by conducting their own livestock branding.[22]

The rapid movement of prize livestock between the Reserve and the squatters in the European sector especially for trading purposes reflect a general change in the economic circumstances in the district. The District annual reports and oral sources explain that a bigger proportion of the proceeds from the livestock sales went into paying for court fees

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[21] The Veterinary and Native Affairs Departments were unable to stop illegal stock movement between the settled areas and the Reserves. There were wide complaints from settlers losing their stock through diseases brought by African squatter stock. In an attempt to regulate the situation, only a fixed number of African squatter livestock inspected beforehand and branded (i.e. certified to be healthy) be allowed.

[22] The Maasai residing among the Kabras exploited their skills in livestock matters to develop their own branding. For a long time, illegally branded livestock found its way to the settler districts without detection. But the large number of purportedly branded stock betrayed their tricks and soon their activities were uncovered. Two of the Maasai living among the Kabras and carrying out this activity were arrested and sentenced to heavy fines of shs. 100/= each. The prosecutor assisted by the Veterinary Officer, prevailed upon the magistrate to pass down such heavy fines as a deterrent to other defaulters.

in cases involving land ownership and legal suits over the return of bride price following the breakup of marriages. In 1937, land cases in the Native Tribunal at Butali African Court in Kabras involving both trespass and disinheritance reached a peak 167 while those involving livestock and matrimonial issues numbered 1,197. It is feasible to assert that this huge number of legal contests over bride price is not necessarily a reflection of legal renaissance or awareness but that of increasing socio-economic stress in households without adequate land and other attendant productive resources that partly culminated in many marriages breaking up and forcing individuals to cling on any possible source of livelihood!

On the whole, the fluctuation in net incomes from staple crops such as maize and the restrictions imposed on cash crops in the Reserves hampered long term economic growth of the African areas. The new cess on maize and finger millet discouraged many households from expanding the production of these two staples. There was a quick shift in the land use pattern in the District with most farmers resorting to planting only maize to avoid the extra cess charges on finger millet. This ambivalent strategy stunned colonial agricultural officials who, unable to find a logical response, took a retreat! Both R. van Zwanenberg[23] and I. D. Talbott[24] argue using diverse viewpoints that the turmoil in the African agricultural sector resulted from the contradiction between those aspects of colonial policy that supported improved African agriculture on the one hand and those that hampered the free movement of agricultural goods, technological innovations and services on the other within the same sector.

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[23] R. van Zwanenberg, *The Agricultural History of Kenya to 1939.* (Nairobi: E.A.L.B, 1977).

[24] I. D. Talbott. *Agricultural Innovation in Colonial Africa: Kenya and the Great Depression.* (Lewiston: E. Mellen Press, 1990).

In addition, the anticipated high level of diversification in agriculture had stalled partially due to lack of adequate farmland and capital for investment. Due to the high war spending, the Department of Agriculture received less funding to carry out technological advancement in agriculture. In his *Economic Survey Report for the District* for the year 1937, the DC noted that it was difficult to make a reliable economic assessment of the District because of the impact of climatic variables and the emerging mono-dependence on maize among the producers.

As part of the strategy to increase efficient land utilization, diverse farm tools by the Department of Agriculture were widely advertised. Unfortunately, the apparent increase in the purchase of agricultural tools did not match their use in the villages. For instance, though many individuals in the District had ox- drawn ploughs, they were only used during the initial days when the enthusiasm was still high but they eventually became idle and disused. Since ox-ploughs and other technological innovations are supposed to play a significant role in increasing agricultural productivity, their abrupt decline and disuse raise important questions. There has been a debate as to whether this resulted from the reluctance by Africans to embrace new forms of farming technology or of the unsuitability of the technology itself. Let us briefly address this aspect.

Studies focusing on agricultural technological innovations and the food/agrarian crisis in sub-Saharan Africa over the last four decades have identified inconsistent changes in the pattern and intensity in the use of farm technology.[25] However, we have to hasten to add

[25] Following the devastating Sahel famine and hunger in most of Africa during the early to the mid 1980s, diverse scholarship emerged to explain the resilient agrarian crisis in Africa. While some scholars such as

that not all parts of Africa are ecologically suitable for the use of ox-ploughs or tractors. The high variation in soil types and the nature of the terrain are important determining factors. This is especially with regard to impact of the adoption of draught animals and tools such as the ox-plough on the system of land ownership and how these impact on land productivity. [26] In the recent past, research has demonstrated that though different African regions and countries have followed different paths towards animal and tractor power, none of these paths have been successful in revolutionizing agricultural productivity.[27]

Above all, the limited capacity by draught animals in putting land under production in comparison to, say the tractor, largely explains why this type of technology has not revolutionized sub-Saharan African farming. The inconclusive research findings partly explain why studies on the use of the ox-plough and other medium level agricultural

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Sara Berry and Paul Richards adopted the ecological approaches, others focused on the role of farm technology and land productivity. There is growing literature on this theme. See for instance, IFPRI/ISNAR, *Towards a New Agricultural Revolution: Research, Technology Transfer, and Application for Food Security in Africa* (Hague, Netherlands: ISNAR, International Service for National Agricultural Research, 1991); Suzanne Gnaegy and Jock R. Anderson (eds., et al.) *Agricultural Technology in Sub-Saharan Africa: A Workshop on Research Issues.* (Washington, D.C.: World Bank, 1991); John H. Sanders, Barry I. Shapiro, and Sunder Ramaswamy, *The Economics of Agricultural Technology in semiarid Sub-Saharan Africa.* (Baltimore, Md.: Johns Hopkins University Press, 1996); Constance G. Anthony, *Mechanization and Maize: Agriculture and the Politics of Technology Transfer in East Africa* (New York: Columbia University Press, 1988); Hans Binswanger and Prabhu Pingali "Technological Priorities for Farming in Sub-Saharan Africa" in *The World Bank Research Observer*, Vol. 3, No. 1 (Jan., 1988), pp. 81-98; Heather Baser, *Technology, Women, and Farming Systems.* (Ames, Iowa, USA: Technology and Social Change Program, Iowa State University, 1988).

[26] For detailed discussion of the role of draught animals and ox-ploughs in relation to agricultural productivity in Africa, see the diverse research findings in special coverage edition of *The ILCA Bulletin* No. 14, Dec; 1981 on ANIMAL TRACTION IN SUB-SAHARAN AFRICA. See also the various contributions in The Institute for Development Studies (IDS), The University of Nairobi: *Proceedings of a Workshop on Farm Equipment Innovations for Agricultural Development and Rural Industrialization.* Occasional Paper 16, Nairobi, Institute for Development Studies, 1991.

[27] For a quick reference, see for instance, Judith Heyer, "A Preliminary Report on Farm Surveys: Tractor and Ox-cultivation in Makueni and Bungoma" in "Proceedings of a Workshop on Farm Equipment Innovations for Agricultural Development and Rural Industrialization" Occasional Paper 16, Nairobi: University of Nairobi, *Institute for Development Studies*, (IDS) 1975, pp. 68–89. See the other contributions in this report by different scholars.

technology in sub-Saharan Africa have attracted considerable scholarly interest. The focus on such cardinal aspects of productivity has been necessitated by the fact that agriculture has continuously registered poorer performance in Sub-Saharan Africa in contrast to other sectors of the economy.[28] We will return to this line of argument at a later stage.

Back to our line of argument, most published and archival sources (including district agricultural reports) are not adequately explicit as to the reasons why the use of ox-ploughs declined rapidly in North Kavirondo District. This study sought explanation from oral sources[29] on this aspect. There were very animated responses to this aspect, which generally fell into two perspectives. One view was that the few households that quickly embraced the use of ox-ploughs also abandoned them rapidly because as soon as they became prosperous, so did they become a prime target of tax collectors. Village headmen (liguru) often targeted such households in order to quickly fill the tax quotas for their respective administrative region (or lugongo).

A second and more viable explanation is that ox-ploughs failed because they were very weak and broke down easily and thus, were very expensive to use and maintain. In many parts of the district, it was reported that the ox-ploughs could not operate in the areas with

[28] For instance, between 1963 and 1975, crop production registered an average annual increase of 2% against that of 2.8% in population increase. However, on the whole, research findings suggest a sustained decline in per capita out put in agriculture, especially with regard to staple crops.

[29] The most resourceful respondents on this aspect were Sabeti Khalibitsi, OI, Chevaywa, Kivaywa, 2005; James Mwivanda Masika, OI, Chevaywa, Kivaywa, 2004 and Nathan Fedha Sumbure, OI, Chevaywa, Kivaywa, 2004.

black, loamy soils.[30] For instance, in parts of the present Lugari, Kakamega and Bungoma districts, most of these ploughs tended to stick in the muddy ground and broke down repeatedly when used during the rainy season. There was the added logistical problem of spare parts. Repairing the ox-ploughs not only took long due to lack of spare parts but also ended up wasting valuable farm preparation time delaying the planting process.

Oral sources were very emphatic that those few households that relied heavily on ox-ploughs at times suffered great delays in preparing their farms for planting and eventually suffered poor harvests as a consequence of planting late. Thus, instead of becoming a great source of increased agricultural productivity and prosperity to fill in the production void caused by land shortage, ox-ploughs in some instances, became the exact opposite. The resolve by many households was a return to their most familiar and dependable technology: the hand hoe!

In spite of the discouraging performance of the ox-plough in the district and the prevalent out breaks of stock diseases,[31] the government maintained its indication improve

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[30] Reports from Central and South Nyanza provinces of the Luo also decried the poor performance of the ploughs especially given that most of Nyanza as a whole has thick, dark clay and loamy cotton soils.

[31] As the Second World War drew near, the district suffered yet another devastating bout of stock diseases that reduced African herds substantially. Throughout 1938, the Veterinary Officer reported the break out of rinderpest, black water, Trypanosomiasis, East Coast Fever, Mange and anthrax. The prevalence in the break out of stock diseases in the district was caused by the large numbers of suspected infected Somali stock coming into the district from Somaliland. For instance, in 1938 alone it was estimated that Kakamega Township had over 2,000 Somali cattle. However, in spite of this, the Kabras struggled to keep up their production. In fact, throughout the Reserve, the Kabras had the best pastures with some of the leading farmers like Nikola Ndombi boasting of over 8 dairy cows and a monthly income of over shs. 608.00 from the sale of milk. KNA, DC.NN1/20 *North Kavirondo District Annual Report* 1938, p. 39.

agriculture in African areas. This was perceived to be the most viable way to resolve the issue of land and food shortage in the Reserves (besides the option of redistributing settler lands to the Africans). The local administrative office stepped up its efforts to intensify soil erosion control and conservation measures in the entire district. Among the Kabras in the present Lugari District these activities were carried out with two main objectives, i.e. to conserve farms by individual owners and soil reclamation work carried out communally by work parties. Work parties were organized weekly along village (lugongo) basis under the leadership of the respective village headmen (liguru). Usually, work parties turned out to work every other week on a rotational basis to enable other farming activities to proceed with minimal interruption.

However, there was still strong resistance from Africans against forced conservation measures, many of who kept up the demand for a return of alienated lands. To strengthen the administration efforts in this regard, a new law, the Local Native Council Use of Land (Soil Erosion) Ordinance No.5/38 was passed. The law empowered local chiefs and village headmen to requisition public labor to carry out soil erosion control and conservation measures. Through such efforts, the colonial administration hoped to salvage some lands that could be re-distributed in the villages to ease the ever-present demand for land by Africans. Numerous locally enforced fines were meted out on offenders. Perhaps, it is the contestation against these local fines that led to the high number of complaints and cases brought by the Kabras to the local Native Tribunal. The Tribunal handled 140 litigations over land and 5,161 over livestock (see Table 3 below).

The matrimonial cases numbering 101 dealt mostly with the disagreements over the refund of bride price in the form of livestock.

Table 3 Native Tribunal Cases at Butali Native Tribunal Court

	Matrimonial	Stock	Land	Others	Total
Appeal Tribunal	12	357	29	115	513
Other Tribunal	89	4,804	111	1,779	7,675
Total	**101**	**5,161**	**140**	**1,894**	**8,188**

Source: Information obtained from KNA, DC.NN.1/20 *North Kavirondo District Annual Report* 1938, p.26

In the African Reserves, the period leading into World War II drew a lot of anxiety, fear and tension. Faced with low voluntary turnout to go and serve in the army of the colonizing master, the colonial administration resorted to forced conscription. Among the first victims were tax defaulters and those found guilty of other demeanors such as avoiding soil conservation work, breaking produce and livestock movement regulations, and so on. Since some of these "crimes" could be expunged through the payment of fines, many households intensified dairy farming and increased the cultivation of maize and other staple grains as a way of boosting their income to pay off such eventualities to avoid being conscripted into the military. This trend partly contributed to the momentous increase in maize and finger millet yields.

At the time of the start of the War in 1939, the areas of Kabras, Bukusu and Malakisi had a projected record maize yield of 60,000 bags the bulk of which was targeted for the export market. The Agricultural Officer was very impressed with what he termed as "the

dangerous rapidity"[32] with which the farming industry was developing in the district. Oral respondents stated that the Nandi and Kabras acquired better farming skills from observing the use of the newly introduced furrow ploughs and livestock manure as carried out in the neighboring settler districts of Uasin Gishu and Trans Nzoia. There were several 50-acre farms among the Kabras to the east of Malava on which these new farming techniques were being carried out and which provided a hands-on training to the Kabras people.[33]

As the war raged in Europe, local administrative officials started grappling with more land-use crises. With no land to expand into, population increase led to more intensive utilization of the little land available within households. This intensification led to the re-emergence of soil erosion in areas previously under conservation. Though the local officials launched another massive conservation campaign, their efforts failed due to a shortage of labor. A large number of men were being continuously requisitioned to go and serve in the army. The Kabras were among the first causalities of this situation due to their proximity to the main requisition centers and means of transport along the Uganda railroad.

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[32] KNA, DC.NN.1/21 *North Kavirondo District Annual Report* 1939, p. 26.

[33] Besides expanding the cultivation of maize and other cereals, the Kabras also tremendously expanded the planting of root crops such as sweet potatoes and cassava. By 1942, the total land under root crops had increased by 20%. Root crops comprised a versatile cushion against food shortages occasioned by drought and other natural or human factors. Other parts of the District quickly followed this trend especially with the passing of the Government Notice No. 198 of March 11, 1939, by which chiefs were authorized under Section 9 (K) of the Native Authorities Ordinance to compel the planting of root crops as a measure to reduce the risk of food shortage.

Incidentally, those areas that had the highest population density (and thus overcrowding) also suffered the most effects of soil erosion and had the highest quota to fill for men requisitioned by the British forces! In spite of the shortage of people to work on the conservation projects, work continued with the little manpower available. The local tribunals exerted heavy monetary fines and unpaid labor on public works for those found evading or tampering with the conservation activities.[34] In many ways, the issue of land ownership in the overcrowded locations of Kabras, Maragoli and Bunyore became inextricably tied to both ecological degradation and loss of critical household labor.

4.5. World War II and Its Impact on the Land Question in Lugari Division

The impact of World War II on Kenya's overall socio-economic and political fabric has drawn diverse scholarly perspectives.[35] It is not the intent of this study to delve into the scholarly debates in this regard but it is important to mention that the War had mixed results on the Africans in the colony. In the first place and perhaps on the negative side, the war imposed a heavy economic burden on the African Reserves in the form of excessive requisition for men to serve in the army and foodstuffs to feed the soldiers.

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[34] The heavy fines exerted on individuals over soil conservation drew a lot of resentment in the Reserve. There were many incidents that smirked of discontent and revenge. For instance, when the Chief Conservation officer Mr. Scott was removed to go and serve in the British army, most of the conservation projects stalled and the spirit of positive construction turned to apathy and there were reports of willful destruction across the district including one of a major stone riveting in Maragoli that had taken many months to construct. See also KNA, DC.NN.1/21 *North Kavirondo District Annual Report* 1939, p. 24.

[35] From the late 1970s onwards, there was a heated debate in African studies with regard to the role of local societal forces and external agencies in the continent's decolonization process. This controversy erupted over some insinuations that Africa's decolonization was not the result of concerted efforts by African nationalistic forces but of the British Royal plan to withdraw from the colonies. For a sampling of these perspectives, see for instance, Prasenjit Duara (ed.) *Decolonization: Perspectives from Now and Then.* (London/ New York: Routledge, 2004); Unesco *Africa and the Second World War: Report and Papers of the Symposium* Organized by UNESCO at Benghazi, Libyan Arab Jamahiriya, November 10-13, 1980. (Paris: Unesco, 1985).

Prof. Eric Aseka[36] and other scholars argue that the war played a major role in entrenching poverty conditions in the Reserves by appropriating the necessary goods, labor power and services needed by the Africans for economic sustenance and taking them to serve British imperial interests abroad.

On the contrast, the War is credited with expediting the process of enlightenment of the rural masses and thus opening up political and socio-economic space that empowered the Africans to play a more aggressive role in the decolonization process. Prof. O. J. E Shiroya for instance, demonstrates how, imbued with nationalistic and self-realization ideas learned from their service abroad, the returning African ex-servicemen turned rural areas into a simmering nationalist arena.[37] The War also increased the circulation of money and new consumption tastes, which in turn facilitated a rapid growth in African-based commerce and other related economic activities.

In spite of these "positive" effects of the War, most peasants in the Reserves felt the brunt of the War more than anything else. Oral sources were rather reluctant on crediting the war with any positive attributes, opting instead to blame it for the heavy economic and demographic losses incurred as mentioned above. In our area of study, the latter perspective was most prevalent. The respondents were almost uniformly agreed that the shortage of land, the escalating requisitions for men and food supply for the soldiers and

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[36] Eric M. Aseka, "Political Economy of Buluyia, 1900-1960" Ph. D Thesis, Department of History, Kenyatta University, 1989.

[37] O. J. E. Shiroya. *The Impact of World War II on Kenya: The Role of ex-servicemen in Kenyan Nationalism.* (Nairobi: Bureau of Educational Research Publications, 1968); O. J. E. Shiroya. *African Politics in Colonial Kenya: Contribution of World War II Veterans, 1945-1960.* 1st ed. (Nairobi: Educational Research and Publications, 1992.)

the increasing pressure to pay taxes during the war were factors that cumulatively exerted a lot of socio-economic stress on the Kabras. The tough wartime economic conditions facing households called for tough survival measures, especially with regard to household production and reproduction. For instance, many households were forced to sell their choice family livestock and staple foodstuffs (such as finger-millet and sorghum) usually reserved for the use within the household.[38]

Most of the livestock was sold to bring in monetary capital to pay for use-rights to land and to contribute to the indirectly coerced "war effort." The emergence of commercialized land rental arrangements among the Kabras at this time partly contributed to the escalation of litigation over land, especially in instances where renters laid partial or full ownership rights to land after paying high rental fees for more than three consecutive farming seasons. With more and more of the Kabras households selling their prize livestock to raise money for renting land, the supply of livestock to the Livestock Supply Control Board (hereinafter, Board) dwindled significantly throughout 1943. Though enforced formal requisitioning was resorted to throughout the year an attempt to meet the required number of stock, still this did not work and the Board fell short of slaughter stock. For the first time, the Board officials forced their entry into livestock pens in the villages and forcibly drive out livestock needed for the army. The DC decried the situation in more somber terms:

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[38] An agricultural census carried out in at the start of 1941 showed that the district had an estimated 5,000 ploughs in operational condition out of which an about 2,200 were held by the Kabras. However, by the end of the year, the Kabras had an estimated 1,650 ploughs in use, the rest were lying idle due to lack of work oxen. The District Commissioner noted in his annual report: "The district seldom sells mtama (i.e. sorghum) as an export crop, and it is creditable to record the degree of self-denial in the matter of beer which must have resulted from the sale of 7,500 bags, when a call was made after a normal harvest. The DC's detailed report in KNA, DC NN.1/23 *North Kavirondo District Annual Report* 1941, p. 2.

> "Good slaughter stock was hardly to be seen, and, if brought into the ring, was only marked at a price about half to two-thirds of that obtaining in the open native markets...As regards work oxen, the requisitioning of these was prohibited from early in the year; prior to that a very few had been taken when it appeared that the owners had several spares...Stock supplies for the Supply Board have become more and more difficult as we progress. The supply is certainly getting short and it is difficult to obtain our requirements, and at the same time avoid taking oxen used for production....For some time it was sufficient to call a quota in a location and it was forthcoming, but today it is necessary to visit the bomas and order individual beasts to be produced."[39]

The comparative agricultural prosperity registered in the present Lugari Division-Kipkarren River area of Lugari District attracted special attention of the supply and requisition agencies of the British army. The Nandi and Kabras suffered heavy losses in their livestock holdings because by virtue of their vicinity to the settler areas, they always ensured that their livestock was immunized up to date, making them fit for human consumption (unlike those owned by the Africans deep into the Reserve). Oral sources[40] stated that as the war supplies dwindled, more livestock was requisitioned from the present Lugari and the neighboring Osorongai Divisions beyond Kipkarren River Township than other parts of the North Kavirondo and Nandi Native Reserves.

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[39] The Reserve was also experiencing another crisis form the war effects but of an indirect nature. The large sum of money sent back into the district from men in the service inflated the local prices of livestock. The annual report indicated that one-year old heifers were fetching over £5 per head, which was twice their pre-war value! Similarly cattle meant for slaughter were fetching between £7.00 and &£10.00, an increase of between 90 and 100% the pre-war market prices. Though the government fixed the price of meat at shs. 1 for 4 Ibs in an attempt to control the price, which butchers were to buy their slaughter stock, this did not work. The price of sheep also shot up from shs. 6.00 - 8.00 to shs. 15.00! The price for chicken shot from 75cents each to shs.2.00 per bird! See detailed figures in KNA, DC NN.1/24 *North Kavirondo District Annual Report* 1942, pp.1-2.

[40] Oral sources affirmed that at the start, those households with larger livestock herds earned good praise from the government for contributing positively to the war effort by surrendering good slaughter cattle freely. However, as the supply declined, the Board officials forcibly drove out prize livestock from the villages in present Lugari-Kipkarren River area due to the comparative high quality of the herds.

The LNC received numerous strong petitions from the Africans regarding the exorbitant figures of stock that the military requisitioning had wrested out of the Reserve. Several headmen in fact reported that there were many ox-ploughs that were lying idle owing to lack of work oxen. In the leading maize planting areas of Kabras and Bukusu locations, the situation was getting very tense as many enterprising farmers could not cultivate their fields. The leading Kabras farmers who used to hire wage labor from the village could no longer do that because of the hard economic conditions in the Reserve. The pressure from the Board and government to meet the supply quotas made the requisition agents to use excessive force in driving out livestock from people's homesteads. Some agents took advantage of this situation to drive out more livestock than required and converted the excess cows to their own personal use. This is perhaps the main reason why there was a big discrepancy between the livestock census figures between the Veterinary office and the situation on the ground! Similarly, there were discrepancies between the number of livestock recorded as supplied by the villages and the figure that some Village Headmen had actually driven out of individual people's homesteads.

Besides the war-instigated regulations on livestock movement and transactions, the peasants in the Reserve also faced other stiff regulatory measures that hindered the free movement of foodstuffs and other commodities. Among the Kabras and other Luhya sub-groups, these legal and administrative barriers coupled with the shortage of farmland were a major hindrance to the attainment of higher levels of productivity. For instance, the new commercial regulations under the Commodity Distribution and Rationing Ordinance took heavy tolls on the African traders and middlemen in the Reserve.

Economically, fortunes fell as many of the affected African entrepreneurs found themselves falling in debt and lacking goods due to the limitations imposed by the Ordinance.[41]

On the whole, the wartime monetary remissions from family members serving in the British army and the rising income from various agricultural and commercial activities resulted in a general increase in the amount of monetary capital circulating in the Reserve. The increase in the movement of people and goods between various urban centers and between the rural areas and the war front also contributed to the high circulation of monetary capital. The military incomes increased fairly well after increased payment of gratuities and special family allowances to certain cadres of service corps in the army. For instance, between 1943 and 1944, the amount of money entering the North Kavirondo Reserve increased from £281,000 to £409,000.[42] The Kabras occupied areas of the present day Lugari Division had some of the highest incomes from dairy and crop production due to the rapid adoption of better farming methods discussed above. As alluded to elsewhere in this study, increased productivity was matched by concerted efforts by enterprising Kabras traders to avoid the Ordinances that restricted free trade.

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[41] The northern locations of Kabras, Bukusu and partly Bunyala had huge grain surpluses that individual traders transported to the crisis areas bypassing the government system. A few traders gained from the high prices that maize, finger millet and sorghum fetched in Isukha, Idakho, Maragoli, Tiriki and Bunyore locations that were experiencing a severe famine. These traders made huge profits selling a 200lb bag of maize and finger millet for as much as shs. 30.00 to 80.00 from the usual price range of shs. 10.00 to shs. 15.00.

[42] The colonial administration figured out that this amount of money was in excess of the basic needs of the African individual and even mused: "Meanwhile what to do with all this money remains an acute question, as goods on which the natives would gladly spend it are largely unobtainable, viz clothes, sewing machines, bicycles, gramophones, carts, lorries, cars, motor bikes, ploughs, tools, harrows, hand mills, power mills, etc" Cited from KNA, DC.NN1./26 *North Kavirondo District Annual Report,* 1944, pp.3-4.

Thriving commerce had a side effect of engendering increased land litigations involving competing claims within families and between neighbors and so on. The availability of money enabled households to meet the court charges of filing litigation. The Local Native Tribunals were overwhelmed by such land cases many of which could not be resolved and were referred to the Native Appeal Tribunal. The sharp rise in litigation over clan lands was also due to initiatives by the Kabras to grow more rice mostly in the newly opened up swampy areas hitherto unclaimed by any specific individual owner.

In spite of the heavy economic drain the War exerted on the North Kavirondo District, the substantive economic recovery and high circulation of monetary capital and goods placed the district in a favorable position to develop. Boosted by better producer prices, flourishing trade in agricultural products in addition to sustained remissions collectively brought in promise of economic prosperity. People spent the money on renting farm land, buying livestock and finger millet and investing in general commerce. This thriving commercial trend pleased colonial officials because they strongly believed it would serve to draw the Africans away from their persistent demand for a return of alienated lands.

The substantive expansion in the cultivation of HYV maize, finger millet and sorghum species, the rearing of improved dairy cows, and the substantial growth in a market for African livestock and grain produce demonstrated the economic potential of the African sector. Policy makers in the colonial administration were forced to acknowledge the claim by African nationalist leaders that discriminative colonial laws were suffocating the agricultural and entrepreneurial capacity of the African sector. The versatility and promising economic performance of the African producers in the Reserves during the

War (despite numerous policy setbacks) provided a solid basis upon which colonial economic policy makers could design programs to develop agriculture and commerce in these areas. It was widely believed in colonial circles that the land crisis in African areas could be resolved through improved agricultural productivity and not necessarily the provision of more land. Perceived this way therefore, colonial land alienation and the resultant shortage of land was not the problem, rather the magic bullet would be to make the available land in the African hands more productive.[43]

Several factors contributed to the need for Britain to re-evaluate the colonial project in Kenya. These included sustained pressure from Africans for reforms in land ownership, increased nationalism, the new war-time and post-war market for agricultural products, the spread of new ideas, and farming skills alongside the expansion in local commerce. It was evident that the new trajectory in African agriculture and commerce in the rapidly changing post-World War II economy and political atmosphere called for a review of the institutional arrangement of the colonial state. It is from the seeds of these developments and the sustained African nationalist pressure that the government was forced to embrace the idea of implementing policies to better the African areas through centrally planned programs such as the African Land Development Program (ALDEV) and the Swynnerton Plan. From this time onwards, the system of land ownership in our area of study and the rest of African areas in the country fell under the ambit of these reform programs. Let us now focus our attention to these programs.

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[43] This argument and observation was strengthened by developments from other parts of the country and especially from Central province where re-settled Kikuyu peasant farmers were exploiting a thriving market for agricultural products to increase yields per unit of land without a corresponding increase in the size of the land.

4.6 African Land Development Program (ALDEV), Land Consolidation and Changes in the System of Land Ownership in Lugari Division, 1945 –1960.

The Second World War played a significant role in influencing the trajectory of social, economic and political change not only in the area of study but at the national and international levels. At the local level, the war ravages laid bare the need to address multiple issues raised by Africans in the reserves over the past two decades. First, the war brought to the fore the deteriorating socio-economic conditions and rural apathy in the Reserves. In North Kavirondo district, there was hardly any single household that had been spared the ravages of the war. Throughout the war, a heavy burden was placed on the district in terms of quotas for the supply of soldiers, foodstuffs and livestock for the British army. Requisitions for men to serve as carrier-corps depleted households of the critical labor power needed to clear and cultivate the fields. As expected, this precipitated recurrent food shortages, hunger, anxiety, and poverty in the households.

Second, the District Livestock Officer and the military requisition department placed higher requisition figures for healthy livestock for slaughter for the army than was available. The declining supply of livestock made the requisition officer to physically invade the villages and drive specific prize livestock from people's enclosures! Given the crucial role that livestock played in the social, cultural and economic lifestyles of the Luhya people, this forced surrender of prize stock dealt a devastating blow to the economic resource base of the Reserves. It should be added that the military only accepted livestock that was neither too young nor too old for slaughter – the very stock that comprised the core of the economic production and reproduction system of the Luhya people.

Third, the continued forced payment of taxes and indirect coercion to contribute to the war efforts via monetary donations dealt a further depressing blow to the Reserves. Tons of food grains were required to feed the swelling numbers of soldiers fighting in the British army both on the local front lines and abroad. Thus, by the time the war drew to an end, the Reserves had suffered debilitating economic effects. The resulting post World War II economic conditions in the Reserve therefore left the Africans in a severely depressed social and economic state. The shortage of adequate land for production to meet situational or occasional needs such as finger millet grain for exchanging with livestock to pay bride price caused further socio-economic strain and cultural stress in the Reserve. Expanding cultivation was encroaching on public paths and road reserves. The government attempted some approaches to resolve some of these problems but on a piecemeal scale. For instance, to stop the encroachment upon public pathways by crop fields, the government issued a legislative decree that banned any cultivation within 20 feet from the center of the tracks in the villages.

Meanwhile, litigation over livestock paid as bride price was reaching an alarming level with complainants now demanding land in compensation or in lieu of the livestock where the latter could not be traced. Consequently, the colonial administration resolved that there would be compulsory registration of marriages in a bid to limit bride price and thus help to resolve subsequent cattle disputes. Clearly, there was urgent need for major reforms to resolve these problems and the piecemeal approach adopted here was not going to serve a major purpose. It is in this context that the government embraced the idea of formulating a more diverse and robust economic reform program for the African

areas. This led to the formation of the African Land Development Organization (hereinafter, ALDEV) in 1945.

As mentioned above, the role played by the post WW II economic effects, land ownership and policy reform measures in Kenya had a major bearing on the trajectory of change in the system of land ownership in Lugari Division. Among the most outstanding policy programs was the African land Development Program (ALDEV). ALDEV was set up through Sessional Paper No. 8 of 1945 in which the government clearly spelled out it's new policy on land utilization and settlement.[44] In many respects, ALDEV was formed to take on and carry forward the task of resettling Africans in new lands under the auspices of the African Settlement Board. It is important to note that ALDEV was formed at the time that the first Kenya Ten Years Development Plan for the period 1946-55 was being inaugurated. This is significant because the main objective of this Plan was to accelerate the improvement of the farming and living conditions in the African areas.

During the ten years that the Plan existed between 1946 and 1955, the African Land Development Board changed its title several times. For instance, during the 1945-46 period, the Board was entitled African Settlement Board. In 1946-47, it changed its name to African Settlement and Land Utilization Board (ASLUB). Between 1947-53 the Board became known as African Land Utilization and Settlement Board (ALUSB) and last, in 1953-55, the Board adopted the name African Land Development Board, hence its contemporary title, ALDEV.

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[44] For a further discussion of the new policy on land settlement and utilization in regard to the operations of ALDEV, see for instance, The Ministry of Agriculture, Animal Husbandry, and Water Resources: *African Land Development in Kenya, 1946-1955*. (Nairobi: Government printer, 1956), pp. 1-12.

According to R. M. J. Swynnerton[45] and R. van Zwanenberg,[46] the rapid change in the title emanated from the shift in focus by the Board and the dynamics of the realities on the ground. For instance, at its inception, the primary objective of the Board was to resettle Africans on land hived off from the Scheduled Areas but within a short time, it was realized that it was not just enough to re-settle the peasants in the new areas but it was equally imperative to improve their farming skills, capacities and to better their overall living conditions.[47] This aspect is closely linked to the underlying theme in colonial circles that the shortage of land was not the principle factor behind the land issue but the system of land use.

Further, the government and the Board seemed to agree that development in African agriculture should aim at attaining the levels witnessed in the Scheduled Areas. In fact, the government set up a parallel Board for the European areas, i.e. Board of Agriculture (Scheduled Areas). Provisions were made in the Ordinance under which individual African farmers who attained high levels of farming skills and knowledge would be transferred from the non-scheduled to the Scheduled Areas Board.

Though this proved to be a very powerful incentive, the anticipated results were not forthcoming at the desired pace. In any case this was deemed to be a process that would take time due to what the colonial mind believed to be the resilience of "primitive" forms of agriculture in African areas. To cite the Board's report: "This process will take place

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[45] R. J. M. Swynnerton. *A Plan to Intensify the Development of African Agriculture in Kenya.* (Nairobi: Government printer, 1955).

[46] Roger van Zwanenberg, *The Agricultural History of Kenya to 1939.* (Nairobi: E.A.P.H., 1972).

[47] The Ministry of Agriculture, Animal Husbandry, and Water... 1956, p. 2.

gradually in the future as the African areas progress from primitive forms of farming based on traditional systems of land tenure to improved forms of alternate husbandry based often on family holdings owned by the individual African farmer."[48]

Initially and at its launch, the program was bogged down by two main setbacks. The first stemmed from the fact that at its inception, the government did not spell out the operational functions between ALDEV on the one hand and the local district and provincial government administrative agencies on the other regarding decision-making and implementation. In other words, the chain of command was not clear in terms of which side was to make decisions and play the part of supervisor and which side was to implement them? However, it was clear that to function effectively from its headquarters in Nairobi, ALDEV needed the close co-operation of the government administrative offices at the district and provincial levels especially in terms of decision-making and implementation.

In our view, this decision on the part of the government to integrate the two sides was very significant with regard to the changes occurring in the realm of land ownership because it forestalled the possibilities of conflict of interest. For instance, the absence of a close operational liaison between the district and provincial administrative agencies on the one hand and ALDEV on the other would have made it very hard for the proposed economic development plan to implement land reform programs in which the local administration did not support it. Further, several components of ALDEV's land

[48] The Ministry of Agriculture, Animal Husbandry, and Water... 1956, p. 3.

development programs in African areas heavily depended on the good will of the local populations and their active participation together with their leaders, i.e. the clan elders and the Village Headman. This underscored the need to have the firm participation and support of both the local population and the government administrative agencies.

Second, the program was also bogged down by hitherto false official perspective that the solution to the African land question lay not in allocating more land from the Scheduled Areas to the peasants but in resettling landless families on available land within the African Reserves themselves. Thus, the terms of service for the program clearly excluded resettling Africans in the Scheduled Areas. Essentially therefore, this meant that there would be no need to look for new lands in the European areas.

However, after a lengthy and detailed search for adequate lands for large-scale resettlement schemes, it was eventually realized that there were no empty lands in the Reserves that would serve the needs of ALDEV. Indeed, some Board members acknowledged the fact that there would be no need to make elaborate plans to re-settle landless African families without acquiring such land from the unallocated or unoccupied lands within the Scheduled Areas. This change in the mind of the government is significant because though late, it was a realistic realization that the root cause of the agrarian crisis in the colony was not over-population (as numerous official government reports had indicated) but the mismanagement of land[49] and especially its unequal allocation between African communities and European settlers.

[49] See the report: The Ministry of Agriculture, Animal Husbandry, and Water ....1956, p. 2.

Alongside the search for land to re-settle people from the over-populated locations in the North Kavirondo Reserve, the colonial administration and the African households also took a keen focus on the possibility of embracing improved agricultural production as a possible solution to the land and food situation facing the peasants. There were a handful of the so-called "progressive" African farmers who had successfully embraced the use of modern farming methods including the planting of high yielding seed varieties, the use of manure and the rearing of high quality livestock breeds. These farmers were used as flag posts for the continued efforts to spread the adoption of modern farming methods encasing the use of enclosures, land consolidation, crop rotation, the use of manure as fertilizer and crossbreed livestock.

In the district, the introduction and use of HYV seeds produced at the Government farm in Kakamega was gradually becoming widespread after experiencing the initial rejection witnessed in the period prior to the War. In addition to these efforts, the Veterinary Department established several livestock breeding centers where high quality crossbreed strains of dairy cows were produced for distribution to "progressive" farmers. These innovations targeted raising incomes from available land in African areas to forestall any continued pressure for land from the European sector.

Nascent achievements in improving agricultural production in African areas provided a basis upon which ALDEV sought to initiate new efforts to reverse the overall downward spiral of agriculture in the African areas. Indeed, the depressed socio-economic conditions in the overcrowded locations precipitated by the multi-faceted war demands

described above almost overshadowed the promise of socio-economic prosperity engrained in ALDEV. Though overtly ambitious, the ALDEV Board took serious recognition of the logistical setbacks ahead of the economic development program. The Board acknowledged that in order to attain any substantive measure of progress, it had to resolve the challenges facing African agriculture, beginning with the crisis in the system of land ownership.

First, the Board acknowledged the need to stabilize the system of land ownership and land use in the high potential areas. With regard to our area of study, the high potential areas covered the lands lying adjacent to settled areas in places such as Lugari, Kipkarren and Kaimosi. In its first report from the field, the Board regretted that several African communities occupying the high potential lands still practiced some form of "shifting" cultivation where strips of cultivated fields were interchanged over the years. The Department of Agriculture considered this to be a wasteful system responsible for the loss of soil fertility, ecological degradation and the destruction of pasturelands.[50] For such lands to attain the expected high levels of farming efficiency and productivity, these presumed wasteful practices had to be halted.

Second, the resilience of indigenous African land ownership system and the resultant tenure arrangements presented what the Board regarded as institutionalized land use practices that were incompatible with modern, efficient farming. Indeed, throughout the latter phase of the colonial period in Kenya, one of the most sensitive and enigmatic

[50] The Ministry of Agriculture, Animal Husbandry, and Water .....1956, p. 4.

challenges facing agricultural reform was the drive to consolidate fragmented holdings. As demonstrated in Chapter Three above, fragmentation resulted mainly from the continuous sub-division of family land among the heirs. Though this practice had the advantage of increasing a farmer's access to diverse soil, ecological and rainfall conditions (that minimized crop failure or loss), in the long run, it tended to work against efficient utilization of labor and time. Farmers usually spent a lot of time moving from one piece of farmland to the next. The scattered tiny pieces of farmlands were also not suitable for the use of machinery and other advanced farm technological innovations.[51]

Third, the Board expressed great concern with the customary practice where bride price was paid in livestock. This practice was perceived as one of the major barriers to improved livestock rearing because it buttressed a situation where quantity preceded quality. Most of the communities in our area of study paid bride price in the form of prize livestock – heifers and milk cows! In spite of the a few cases where partial monetary payment was being accepted for bride price, this practice was heavily censored by colonial officials for displacing a critical component of capital and economic production in the form of livestock.

It should be remembered that the consolidation of fragmented holdings and the attendant proposal to register individual parcels and issue title deeds was one of the most

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[51] A few studies have discussed the impact of land fragmentation on the system of land ownership and use in Western Kenya. For a basic reading, see for instance, E. Ngaira, "Problems and Issues Arising out of the Customary Law of Succession to Land with Particular Reference to the Fragmentation of Land in the Kakamega District." Law Thesis, LL. B (Nairobi: University of Nairobi, 1975); Angelique Haugerud "Land Tenure and Agrarian Change in Kenya," in *Africa: Journal of the International African Institute*, Vol. 59, No. 1, Access, Control and Use of Resources in African Agriculture (1989), pp. 61-90; William J. Barber "Land Reform and Economic Change among African Farmers in Kenya", in *Economic Development and Cultural Change*, Vol. 19, No. 1 (Oct., 1970), pp. 6-24.

contentious issues in the African areas in the period leading to and immediately after the War. As ALDEV notes, by 1946, this was recognized as a major issue but nobody was wiling to touch it "because of its inherent complication and the obvious political risks of interfering in such an explosive matter as land ownership."[52] However, the Board was quick to note that by 1955, owing largely to changes brought about by the Mau Mau, the risks of losing unregistered family lands and the examples set by prosperous African farmers cultivating single holdings, the hitherto hard opposition to consolidation and registration with individual titles had undergone a complete about-turn:

> "The local demagogue who previously opposed any and every plan of the government had perforce to be removed during Emergency, with the result that the whole atmosphere changed and the ordinary farmer is now demanding what he previously rejected....Similarly among the Nyanza Bantu and Luo, clan ownership is fighting a losing battle against the increasing demand for documentary titles."[53]

Last but not least, the Board identified reluctance by some African communities to embrace new farming methods and skills as another major drawback. However, it was reassuring to note that the firm resistance to change witnessed in 1946 when the Board started its work had given way to a dynamism and willing spirit to embrace improved farming methods. The Board attributed this radicalized turn-around to be the result of examples set by progressive African farmers and the rise of a new class of younger, dynamic and more open-minded farmers willing to try new things.

4.7 ALDEV, Rural Land Reorganization and Agricultural Change in Kenya: A Brief Assessment.

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[52] The Ministry of Agriculture, Animal Husbandry, and Water....., 1956, p. 6.
[53] The Ministry of Agriculture, Animal Husbandry, and Water.....1956, p. 6.

From its inception in 1945 till its winding up in 1955, ALDEV focused its land reform programs on those areas most severely hit by drought, overgrazing, soil erosion and other human and ecological factors. Thus, the regions that received the bulk of ALDEV schemes and funding were the soil erosion and ecologically ravaged Machakos District; the over-grazed Maasai lands; the overpopulated and intensively cultivated Central province of the Kikuyu; selected portions of the Rift Valley, Coast, and of Central and South Nyanza Provinces.[54] Apart from the establishment of Bukura Farm Institute in the now renamed North Nyanza district and the funds spend on the survey and demarcation of the nearby Kipkarren and Kaimosi Farms there were no other ALDEV projects or schemes in the present area of study, save for the attempted introduction of group farming.

The proposed introduction of group farming in the district was received with mixed feelings though most of the households were not in support of the idea. Based at the Bukura Institute near Kakamega Township, the basis of group farming was to have neighboring families with fragmented holdings agreeing to combine their individual parcels into one larger, continuous holding. The approach that seemed most favorable is that which followed planned system of contour strips of land running across all the holdings. The field officer had the responsibility of ensuring that the strips of land would provide for regular rotation between crop fields and fallow grass leys. The ideal setting

[54] At the end of its Ten Year Development Program in 1955, ALDEV had initiated a total of 78 major schemes at various levels of implementation and operation. But not all these projects were equally successful. For instance, out of the total 78 projects, only 12 schemes could be considered to have been successful. A total of 9 schemes had either partially failed or had been abandoned completely while the future of 18 schemes remained hanging in the balance. All the remaining 39 schemes were still in the experimental stage.

was to enable each individual to farm their own strip of land but share in the common pastures and watering facilities.

The idea of group farming thus had provisions for joint livestock rearing. In this regard, all pastures were to be fenced and placed under the supervision of selected managers. Only respective members of the group would have access to the pastures. Those selected to manage the group farms were also charged with the responsibility of ensuring that the group maintained a tree plantation for the provision of wood fuel. According to ALDEV, such group farming enterprises was the only way through which the poor African households could afford better farming resources such as dipping facilities, veterinary services, pooling tractors, farm tools and piped water supply. "But the immediate advantage to be obtained from group farming was to be the solution of fragmentation and soil erosion by the consolidation of holdings, often on a clan basis, and the farming of the whole feature as a single, planned unit."[55]

However, attempts to create such farms in the present Lugari Division between Lwandeti and Kipkarren River Townships failed due to the unwillingness by the Kabras households to participate in the program. The Kabras were very apprehensive about the real motives behind this proposal and requested that the government try it out using part of the alienated lands in the Kipkarren Farms before the community could try it out. For instance, representatives of the people under Chief Soita of Kabras Location implored the

[55] The Ministry of Agriculture, Animal Husbandry, and Water ....1956, pp. 146-47.

administration to experiment out the idea before they could be asked to surrender their individual lands to be amalgamated into group farms!

During the first phase of implementing this idea, it was clear that the peasants were not in firm support of dissolving their individual household units to enter into the group project. In addition, there were several management aspects of the new proposal that the local people were not familiar with. For instance, though the group farms were supposed to operate on modern scientific management of dairy livestock and grain production, not many peasants were equipped in such matters. Yet it was not feasible how the entire population in the District would be adequately trained within a short time to acquire these skills. Perhaps, the most effective way of attaining this objective was to give a chance to the Africans to have a hands-on training with regard to solid farming and management skills. ALDEV thus provided training material, personnel and funding for such training to be undertaken at the various Farmers Training Institutes in the province.[56]

There is scant information from published sources with regard to the group farming experiment in our area of study. However, a few oral respondents who remembered the details of this experiment engaged this research in a very captivating discussion. It was pointed out that at the start, the government used the indigenous system of labor organization at kinship levels such as the reciprocal work groups (Buhasio) to sell the

[56] At the Bukura Farm Institute, African farmers and their wives lived on 20 model smallholdings for a year learning the required skills in modern farming. They were taught for example, how to adequately prepare land for planting; how to control soil erosion; effective weeding and other aspects crop culture till the crop was ready for harvest. At the end of the farming year, the couple was allowed to take home the earnings from their harvest which the Board estimated to be anywhere between £50 and £100. See The Ministry of Agriculture, Animal Husbandry, and Water .....1956, p. 148.

idea of group farming among the Luhya. However, while a few households slowly warmed up to the idea, many were perturbed to learn that instead of a reciprocal labor pooling system, they were supposed to surrender and amalgamate their individual pieces of farmsteads into one larger farm. This is what set off the precautionary reaction from the Africans.

The proposed group farming arrangement presented several challenges. First, most of the peasants were reluctant to amalgamate their individual parcels so soon after having paid high survey and registration fees. There was also confusion in the villages when the peasants were asked to amalgamate their parcels into communal group farms yet the very existence of communal landholdings had been the major drive behind the sustained pressure for consolidation and individual ownership. Third, the idea of a group farm on which the respective households would contribute their labor power and so on did not go down well with the peasants given the wide demographic variation in household sizes with regard to labor power. The disparities between different households in terms of landholding sizes also presented difficulties. Fourth, there were widespread fears that of the amalgamated farms being alienated for European settlement if they did very well.[57]

Fifth, serious logistical problems arose in the villages in relation to shifting homesteads to create the group farms. In particular, the dilemma arose as to which family was to move their homestead to which part of the new holding and for how long (given that it was

[57] Many peasants still recalled the way their clan lands in Kipkarren River and Kaimosi Farms had been forcefully alienated for European settlement, and hence the issue of creating large, amalgamated farms did not go down well with the peasants.

understood that this was an experimental program). Even if these logistical issues and problems were to be resolved, oral sources noted that there were early signs even before the program took off that there would be serious disagreements as to how to share equitably the proceeds from the sale of the farms given the demographic factor mentioned above. Among the Kabras, the idea of starting group farms did not take off solidly enough and only a handful of closely related families in the present area of Malava and Kivaywa attempted the idea. Unfortunately, there is hardly any substantive information regarding the performance of these group farms.[58] But it is evident that the few group farms that were started in the area of study did not survive for a long time.

In spite of the elaborate plans conceived by ALDEV towards the improvement of African agriculture in different parts of Kenya, the progress made varied from one region and project to the other. On the whole, the distribution and effectiveness of the projects varied both spatially and vertically. There were some regions that received huge portions of the development funds and assistance programs while others had very little. For instance, severe ecological degradation in Machakos District attracted more funds and projects than the fairer regions of North Nyanza province. This unequal distribution of ALDEV projects at the national level this makes it very hard to attempt a local assessment of the effectiveness of the program I regard to the system of land ownership. However, it is important to note that ALDEV paved the way and provided the trajectory along which future reforms in the system of land ownership and land use both for crop and livestock production was to follow. Indeed, it is from the seeds of ALDEV that we see the

[58] There were scattered and inconsistent accounts regarding the performance of group farms in the North Kavirondo district. This is one of the on-going issues that this research is continuing to focus on.

germination of the idea of the Swynnerton Plan and the Million-Acre Settlement Scheme programs that bear the hallmark to today's system of land ownership in Lugari Division and most of Kenya. Let us focus our interest on the Swynnerton Plan.

4.8 Pressure and Reform in the African Agricultural Sector: The Roots of the Swynnerton Plan and the Million-Acre Settlement Program, 1954-1960.

Scholars focusing on the system of land ownership and Kenya's agricultural history present diverse views regarding the effectiveness of programs like ALDEV in reforming land ownership and agricultural improvement. A full assessment of the performance of ALDEV's programs in different parts of Kenya falls outside the mandate of this study. This is more so given the fact that the present area of study did not specifically fall directly under any ALDEV program, save for the fact that the new Bukura Farmers Training Institute at Kakamega Township was used to offer farmers' training services in North Kavirondo District, including the present Lugari Division. It should be noted that the new farming and land use skills offered at this Institute caused a renewed scramble for land in the District, given the increase in returns from farming. This is one of the ways in which ALDEV affected the system of land ownership in Lugari Division.
Due to the high variation in the ecological endowment and levels of financial and technological in put from ALDEV, it is difficult to give an accurate evaluation of its programs countrywide. Perhaps, the overall performance could be best described as a mixed bag of successes and failures. In its final report for the 1946-55 period ALDEV acknowledged that in spite of the efforts made to improve African agriculture, African lands in Kenya were far from being considered as models of land use in the tropics. In essence, the activities of the Board helped lay out the broad policy trajectories along

which pastoral and arable lands in the country would follow towards the attainment of higher productivity in the decades to follow.

The conception of the Swynnerton Plan in 1954 was a direct result of the sustained demands by Africans for a reform in the system of land ownership and African agricultural policy on the one hand and of the previous experiences with attempted reforms on the other. As discussed in the foregoing section, the attempts to introduce group farming in the (present region covered by Lugari District) in the then North Nyanza province had failed due to a number of reasons. Among the Kabras people for instance, there were just a handful of neighboring families that had informally agreed to amalgamate their individual parcels into group farms but this had failed to reach the implementation stage. This reluctance emanated from the failure by the government to deliver on their promises of free piped water, free livestock dipping, inoculation and other supportive services.[59] To cite the Plan:

> "Every encouragement mist be given to the African to farm his land well and to participate in general agricultural planning and co-coordinated development of his local community and socialized agricultural industries in which he may be concerned....Ultimately, appreciation of and insistence on sound cultural practices, on plant sanitation, legislation, co-operative marketing and so on must come from large groups of progressive African farmers having their own representative bodies, as is now the case with European agricultural industries.....In the long term the greatest gain from the participation of the African community in running its own agricultural industries will be a politically contented and stable community." [60]

[59] The Ministry of Agriculture, Animal Husbandry, and Water..... 1956, pp. 148-50.
[60] R J M Swynnerton, *A Plan*.....1954, p. 8.

In September 1953, the colonial administration agreed on a plan to develop settlement schemes to act as a basis of resolving the demands for employment by the Kikuyu ex-Mau Mau fighters and those repatriated from other parts of the country. This comprised part of the policy and economic rationale of the Swynnerton Plan of 1954. The Swynnerton Plan of 1954 was an ambitious program specifically designed to address the fundamental issues in the system of land ownership and policies in agricultural production as revealed from the experience with ALDEV. Though ALDEV had succeeded in initiating substantial progress in aspects such as land consolidation, there were many areas that needed to be addressed. In particular the Swynnerton Plan was supposed to address those resilient issues in the system of land ownership in African areas and related land problems in particular carrying out reforms in land tenure; the consolidation of the remaining fragmented holdings; the issuance of freehold title; intensifying and developing African agriculture; providing access to credit, and removing restrictions on growing especially cash crops for export.[61]

To attain these objectives, the Plan comprised of a three-phase program beginning with land adjudication to phase out customary tenure; second, carrying out consolidation of household fragmented holdings and last, the registration of land to provide for security of tenure and to establish a land market. The underlying aim of these reforms was targeted at increased investment and employment in agriculture and the expected increase in rural incomes and the productivity of land.[62]

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[61] Y. W. Bradshaw, "Perpetuating Underdevelopment in Kenya: The Link Between Agriculture, Class and State", in *The African Studies Review,* Vol. 33, No. 1 (1990): 1-28.

[62] H. W. O Okoth-Ogendo, T*enants of the Crown: Evolution of Agrarian Law and Institutions in Kenya.* ACTS Legal Studies Series, No. 2 (Nairobi: African Center for Technology Studies (ACTS), 1991);

The Plan was predicated on an assumption that explicitly "successful" or wealthy African farmers would "be able to acquire more land and bad or poor farmers less, creating a landed and a landless class." The initial Five Year Plan identified important aspects, major problems and specific points of emphasis that needed to be addressed to enable the African farmer to realize prosperity. These schemes were to be located both in the Reserves and on other development projects and were to have as their principal objective, raising the level of agricultural productivity. They were also to improve or raise the human and stock the carrying capacity of the land. This was part of a wider scheme by the government to accelerate the development of native land units in other provinces of Kenya.

From the beginning of the conceptualization of the Swynnerton Plan in line with the previous experience with ALDEV, it was clear that the African agricultural sector lagged far behind the European one and to elevate it would require substantive amounts of monetary and technological capital. But to fund the African farmer would not be a free endeavor: the recipient of this aid had to pay back the assistance, which would come in the form of farming credit. Thus, one of the major factors that the colonial administration had to consider was the inter-relationship between the system of land tenure and the need for tenure security as a basis of ensuring the effectiveness of the soon-to-be-introduced African agricultural development loans.

Esther Wangari, "Effects of Land Registration on Small-scale Farming in Kenya: The Case of the Mbeere in Embu District." Ph. D Dissertation, New School for Social Research, New York, 1991.

From this point onwards, the colonial government identified the need to have a viable system of land tenure that provided the African farmer with a unit of land (with the attendant security of tenure) and a system of farming that were conducive to successful agricultural entrepreneurship and overall development of the farmer and his family. This is what the African had been fighting for since the beginning of land alienation in 1907. The implementation of these ideals was laid out in abroad agricultural development program for Africans that culminated in the inauguration of the A Million-Acre Settlement Scheme program in 1960. We will focus on this program in line with our area of study in the next chapter.

4.6 Conclusion

The advent of colonial rule in Kenya as a whole was a violent process accompanied by a diametrically opposed process in relation to the system of land ownership. On the one hand, there was extensive alienation of the most fertile lands for exclusive European settlement while on the other, the forced re-location of African communities in Native Reserves. The establishment of colonial administrative posts at Mumias and Kakamega Townships to the west of Lugari Division heralded the dawn of colonial rule in Western Kenya. These posts marked a major transitory stage in the system of land ownership because they provided a basis upon which the process of land alienation took place. They also served as nodal points for the enforcement of new land ownership and use aspects such as consolidation of fragmented holdings and soil conservation activities.

Under colonial rule, most of the area covered by the present Lugari Division formed the northeastern part of the North Kavirondo Reserve. A smaller portion straddling across the Kipkarren River fell under the ambit if the Nandi Native Reserve. As a result of this extensive alienation of these lands hitherto occupied by the Nandi and the Kabras, these communities were forcibly relocated to their new respective Native Reserves. This ethno-geographical re-location left the Kabras as the dominant entity to the southeast of the region. The creation of the Reserves marked a major landmark in the system of land ownership in Lugari Division and other affected parts of Kenya.

Between 1921 and 1935 however, the African reserves experienced serious socio-economic, ecological and demographic effects as both human and livestock population increased against a reduced and restricted resource base. The socio-economic conditions in the reserves deteriorated with the enforcement of Hut and Poll tax. Lying in close proximity to the settler farming sector of Uasin Gishu plateau, Trans Nzoia district, the Kipkarren and Kaimosi Farms, and compounded by overcrowding, forced taxation, forced labor, unemployment, poverty and food shortages, a substantial number of African men from these Reserves emigrated to the European and urban commercial sectors to seek wage employment. Thus, the Second World War broke out when the African areas were already under severe stress owing to these drastic changes in their socio-economic institutions and lifestyle.

As the war raged on, many Africans hoped that the co-optation of the Africans into the British Royal forces would eventually lead to reforms in the system of land ownership,

economic reform and political representation among other aspects. More than ever before, there were high hopes that the huge disparity in economic resource endowment between the settler and African sectors would be addressed to open opportunities for Africans to participate more equally in the economy.

Unfortunately, these hopes were not realized. Britain was more focused on wining the war than on addressing such pressing matters with regard of land ownership. That the same depressed African areas were supposed to provide adequate livestock, foodstuffs and carrier crops for the war effort made matters worse. Thus, while the Africans were increasingly becoming discontented over the high war demands and avoiding compulsory military conscription, the government was bend on ensuring that the colony provided the required manpower and supplies to sustain the military effort.[63]

The period between 1945 and 1960 (christened the decolonization period) witnessed significant changes in Kenya's history. At the local level, rapid population increase, war enlightenment, the effects of colonial land alienation policies and the gradual increase in the circulation of money transformed the rural economy in fundamental ways. There was more pressure on land due to population increase and intensification in the utilization of land. This was in response to the increasing monetary needs by the Africans and those of the colonial war economy. Most households adopted more intensive land use techniques

[63] Colonial officials were very enthusiastic about what they termed as the colony's "relentless support" for the war effort, even when this seemed to be exerting undue pressure and stress on the economy in the Reserves. This can be seen in the DC's annual report for 1940 in which he praised the natives' loyalty in making a voluntary gift of £1,500 to the Central War Fund and the Ambulance Fund, and other contributions to the Kings African Rifles (KAR), the Pioneer Corps; the Labour Corps and other units of the forces. More than 2,105 recruits were sent forward during the year. Cited from KNA, DC.NN1/22 *North Kavirondo District Annual Report* 1940, p. 1.

involving heavier use of animal manure, increased inter-cropping and shortened fallow periods. Evidence of pressure on land can be attested to by the fact that by 1950, intensive soil conservation programs were being enforced in the wider Lugari District and most other parts of North Kavirondo using compulsory African labor.

In the period following the end of the war, the system of land ownership underwent significant change as more individuals used income from wage labor, the sale of food grains and accumulated stock to acquire more land outside the usual family inheritance patterns. As land gained higher economic value, contested ownership claims escalated. On the other hand, increased African nationalistic agitation for the return of alienated lands contributed to the adoption of the First Ten Year Development program under the African Land Development Program (ALDEV). ALDEV targeted improving land use in the Reserves through consolidation of fragmented land holdings, the registration of parcels and issuance of individual title deeds to land, and the introduction of modern farming methods.

ALDEV also changed several pertinent aspects of the system of land ownership in the African areas. For instance, it provided for new ways of acquiring household land through full purchase of use-rights and the allocation of land to individuals from government lands by the government. Thus, apart from inheritance, individuals now had other new ways of acquiring land. This marked a very important watershed in the history of the system of land ownership in the area of study and for the entire African sector. As ALDEV's Ten Year Development program drew to a close, the colonial state endeavored

to proceed with efforts to resolve the agrarian issue in African areas as a strategy to rein in the escalating anti-colonial activities. It is within this ambit that the Swynnerton Plan of 1954 was conceived.

The Swynnerton Plan of 1954 was an ambitious program aimed at addressing fundamental issues in the system of land ownership in the African sector. Like ALDEV, the Plan aimed at attaining multi-faceted reforms in land by among other things, reforming land tenure, consolidating fragmented holdings and the issuance of individual freehold title deed. Thus, the genesis of the smallholder reform policy in Kenya's agriculture can be found in this transformative period when the colonial state began programs to improve African agriculture.

The African Reserves, more or less like the urban areas, rapidly became transformed as new ideas engrained through exposure in serving in the war abroad and the role of a monetary economy permeated the villages creating new tastes, perspectives and demands. Pioneering African nationalist movements and organizations such as KCA, NKTPWA, NKCA and later KADU led the way in pressing for major reforms in land ownership and the sharing of political power as a prerequisite to the adoption of improved agricultural production innovations.

On the whole therefore, the decolonization period between 1945 and 1960 marked an important watershed in the system of land ownership. The post World War II economic dynamism based on increased circulation of monetary capital and commerce brought

about substantive socio-economic change. After 1945, the new class of educated Africans and the rising nationalist movement began exerting pressure on the colonial government to open up more political space and economic opportunities for Africans to participate in the colony's affairs. Africans also increased the clamor for the return of their lost lands. This helped fan the flames for nationalism and the later policy changes aimed at diverting land hunger among Africans via programs such as ALDEV and the Swynnerton Plan of 1954. All these changes and factors contributed to the heightened implementation of the A Million-Acre Settlement Scheme program from 1960, the focus of which is in the next chapter.

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THE CHANGING SYSTEM OF LAND OWNERSHIP AND ITS SOCIO-ECONOMIC EFFECTS IN LUGARI DIVISION, WESTERN PROVINCE OF KENYA, C.1880-2000

VOLUME II

By

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CHAPTER FIVE

5.0 The A Million-Acre Settlement Scheme Program and Land Ownership in Lugari Division, 1961- 1970.

5.1 Introduction

The alienation of clan lands and the creation of Native Reserves for Africans ushered in a new phase in the system of land ownership in Lugari Division. The subsequent emergence of African nationalism in quest for a return of lost lands and independence presented formidable challenges to the colonial regime. In response, the colonial regime initiated attempts to reform the system of land ownership in the North Kavirondo African Native Reserve. These aspects comprise the core of the discussion in the foregoing Chapter. The analysis revolved mainly around efforts by the government to address the question of land ownership primarily in response to sustained pressure from African nationalism with occasional references to policy initiatives at the national level.

During the decolonization period (i.e. 1945-1960), calls for changes in the system of land ownership to facilitate equitable distribution of land between Africans and Europeans culminated into an almost intractable land crisis. Thus, in spite of efforts through programs such as ALDEV, the land question[1] remained the most formidable challenge in any proposition to transfer land ownership to native Kenyans. The land question was precipitated by the diametric situation where Africans desired to repossess and own land

[1] Diverse scholarly research has focused on the centrality of land in the run-up to Kenya's independence and the implementation of the A Million-Acre Settlement Scheme program. See for instance, Mwangi Wa-Githumo *Land and Nationalism: The Impact of Land Expropriation and Land Grievances Upon the Rise and Development of Nationalist Movements in Kenya, 1885-1939.* (Washington, DC: University Press of America, 1981); Tabitha Kanogo, *Squatters and the Roots of the Mau Mau.* (London: James Currey/Nairobi: Heinemann, 1987); Gary Wasserman, "Continuity and Counter-Insurgency: The Role of Land Reform in Decolonizing Kenya, 1962-70", *Canadian Journal of African Studies,* Vol. 7, No. 1. (1973), pp. 133-148; J. W. Harbeson, "Land Reforms and Politics in Kenya, 1954-70", *The Journal of Modern African Studies*, Vol.9 No. 2, (Aug; 1971), pp. 231-251.

(previously alienated for exclusive European settlement) on the one hand and the wish for European farmers to leave the country with commensurate compensation for their farms and assets but without either side destroying agriculture as the mainstay of the Kenyan economy.[2]

This chapter focuses on new efforts at reform in the system of land ownership undertaken in the period preceding and immediately after independence through the implementation of the A Million-Acre Settlement Scheme program.[3] The introductory discussion to the chapter partially sheds some light on different interpretations that have been attributed to the radical change in government policy to allocate portions of the Scheduled Areas to landless and unemployed African families. The chapter begins with a brief overview of the underlying policy outlines and plans for the creation of new schemes for settling the African families. This discussion proceeds from a general, national level to the local by focusing on the creation of the settlement schemes in Lugari Division.

The discussion of the new land ownership policy proceeds with an overview of the process of settling African families in the new schemes and the agricultural production activities undertaken thereafter. The chapter ends with an overview assessment of the

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[2] See for instance, Nardocchio-Jones, Gavin, "From Mau Mau to Middlesex: The Fate of Europeans in Independent Kenya" in *Comparative Studies of South Asia, Africa and the Middle East*, Vol.26, No. 3, 2006 pp. 491-505; G. Wasserman, "The Independence Bargain: Kenya Europeans and the Land Issue 1960-62" in *Journal of Commonwealth Political Studies*, July 1973, pp. 99-120.

[3] See for instance, Leo, C. "Who Benefited From the Million-Acre Scheme? Toward a Class Analysis of Kenya's Transition to Independence", in *Canadian Journal of African Studies*, Vol.15, No. 2 (1981), pp. 201-222; Leo, C. "The Failure of the 'Progressive Farmer' in Kenya's Million-Acre Settlement Scheme', in *The Journal of Modern African studies,* Vol. 16, No. 4, (Dec; 1978), pp. 619-638; Kariuki, Samuel M. *Can Negotiated Land Reforms Deliver? : A Case of Kenya's, South Africa's and Zimbabwe's Land Reform Policy Debates*/Leiden: African Studies Centre; Johannesburg: Department of Sociology, School of Social Sciences, University of the Witwatersrand, 2004.

performance of the settlement scheme program in the study area with some references to experiences in other parts of the District. This approach is justified on the grounds that the trajectory of change in the system of land ownership in such parts of rural Kenya can be best understood and conceptualized if placed within the wider context of the government's plans at the regional level to change the system of land ownership.

5.2 Prelude to Policy Change in Land Ownership: The Precipitating Issues

In Chapter Four above, it was demonstrated that the attempts by the government to resolve the land question in Kenya through programs such as the African Land Development program (ALDEV) attained minimal success.[4] The implementation of ALDEV between 1945 and 1955 and the proposed land reforms under the Swynnerton Plan of 1954 were important policy attempts to overcome the setbacks in resolving the biting land shortage. While ALDEV focused heavily on consolidation of fragmented holdings in the African Reserves, the Swynnerton Plan went a step further and emphasized equipping the African farmer with a viable piece of land and farming skills to improve agricultural performance.

In addition, attempts to introduce group farming to resolve the twin problems of land shortage and fragmentation to create larger consolidated holdings that would supposedly bring about increased agricultural production (and hence prosperity) failed. The

[4] The attempted reforms in land ownership were part of the previous proposition to establish a new range of diverse settlement schemes to settle Rhodesian ex-servicemen and other Rhodesians alongside others for settling Kenyan natives as tenants with or without any capital. These preceding plans did not materialize either. For detailed discussion of the earlier propositions to create such diverse settlement schemes in Kenya, see Colony and Protectorate of Kenya: *Report of Settlement Schemes Committee 1944*. (Nairobi: Government Printer, 1944), Introduction; Chaps. I-III.

proposition for a more robust land ownership policy based on individual tenure under the Swynnerton Plan of 1954 did not immediately yield the desired results. The apparent failure of this new policy was precipitated by the logistical complications of creating individual registered parcels out of the fragmented holdings under indigenous tenure systems in the Reserves on the one hand and the untenable nature of the new policies in the Reserves on the other. All these issues placed the aspect of the system of land ownership at the center of country's attention.

All over the North Kavirondo Reserve and the renamed North Nyanza province, there was widespread and growing discontent regarding the failure by the government and its various Land Commissions or committees to resolve the issue of alienated clan lands. Added to this were the simmering inter-clan and inter-ethnic boundary conflicts that had raged throughout the period leading to World War II (and remained unsolved as the decolonization process gained momentum.) In the present Lugari Division for instance, the Kabras were very bitter about the failure by the government to recognize their claims to the lands previously alienated for exclusive European settlement known as the Kipkarren Farms.[5]

However, it was not only the failure of these efforts to improve agriculture in the African areas that the colonial administration had to content with in the country. There were other

[5] In Chapter 4, it was demonstrated how various Kabras clan leaders presented firm evidence to the 1930 Land Tenure Committee and the 1932 Carter Commission regarding the illegal alienation of lands falling under the African Native Reserve Location of Kabras for European settlement under Kipkarren Farms but which the government refused to acknowledge, having decided that since Europeans had been granted exclusive use of these lands, the privileges of the latter were deemed to be at par with those of the other Whites in the Scheduled Areas against the rights of the Africans.

powerful socio-economic forces that were working against the expectations of this transitional project in Kenya in a peaceful manner. This had a lot to do with the local, regional and to some extent, global societal dynamics following the experiences of the Second World War. The end of this war radically transformed the social, economic and above all, the political landscape of Kenya as it did among most hitherto oppressed people all over the world.

African ex-servicemen returned from their tour of duty in the British army imbibed with new ideas about equality, liberty, justice and freedom that they spread widely throughout the Reserves. African nationalism pressure demanding a return of alienated lands on the one hand and for the end of colonialism and independence for the African on the other rose to an unprecedented level. Thousands of Kenyans joined the mushrooming African nationalist organizations as the calls for independence grew louder and louder.[6] Experiences abroad had taught many Africans that they could rise up in arms against oppression for their freedom.

Meanwhile, life for the Africans in the Reserves deteriorated to low levels. The Reserves were already over-stretched under the pressure of a severe shortage of land pitted against a high population density - a situation that precipitated landlessness, food shortages,

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[6] There is extensive literature on the subject of colonial land alienation and decolonization in Kenya. However, it is not the intention of this work to dwell into the details of this discussion in regard to decolonization in Kenya. For a quick reference, see for instance, Gary Wasserman, "Continuity ...1973a, pp.133-148; Gary Wasserman, "The Adaptation... 1973b; C. P. R. Nottidge, & J. R. Goldsack, *The Million Acre Settlement Scheme, 1962-1966*. (Nairobi: Department of Settlement, 1966); Bruce Berman and John Lonsdale, *Unhappy Valley: Conflict in Kenya and Africa* Athens, (Ohio: Ohio University Press, 1992); M. Tamarkin, M. "Mau Mau in Nakuru"; *Journal of African History*, Vol. 17, No.1, (1976), pp. 119-134; Frank Furedi, "The Social Composition of Mau Mau Movement in the White Highlands" *Journal of Peasant Studies*, 1 (1973-74), pp. 486-505; M. P. K. Sorrenson, *Land Reform in Kikuyu Country* (London: O.U.P., 1967), pp. 100-102.

socio-economic anxiety, poverty and feelings of apathy. To this was added socio-economic stress and decay emanating from the high level of unemployment, which in turn was worsened by the closure of many European business enterprises and estates in the face of an imminent African-led government. All these aspects combined to create a lot of political pressure to reform the system of land ownership and the racial inequalities in access to land. Citing comments given by the Deputy Director of Settlement at the Kericho (Kenya) Conference held in 1966, Richard Odingo observed thus:

> "It has been emphasized that one of the most basic assumption in inaugurating the settlement schemes in the Kenya Highlands was that they would remove the political pressure. It was assumed that if it was possible to assuage the land hunger which was giving rise to political pressure, then the pressure would disappear. At the same time it was hoped large scale settlement would alleviate the growing population pressure particularly in the parts of Western and Central provinces."[7]

On the whole, the number of unemployed, landless and dispossessed Africans was swelling rapidly, pointing to the impending civil unrest.[8] In the present Lugari Division, the crisis of unemployment and landlessness was manifested in the swelling number of squatters invading government forest and reserved lands. In addition, ex-workers of the defunct giant sisal firm –Dalgety Ltd – also started encroaching on European farms and government reserve lands with their expanding livestock herds and families of dependants. The largest concentration of squatters was around Kambi Nane and Selbon to the north of Turbo Township.

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[7] R. S. Odingo, "Land Settlement in the Kenya Highlands" in James R. Sheffield (ed.) *Education, Employment and Rural Development.* (Nairobi: OUP, 1967), p. 143.

[8] These developments have been well discussed in the scholarship on Kenya's agricultural history. See for instance, Diana Hunt. *The Impending Crisis in Kenya: The Case for Land Reform.* (Aldershot, Hampshire; Brookfield, VT., U.S.A.: Gower, c1984); Stephen Orvis *The Agrarian Question in Kenya* (Gainesville: University Press of Florida, 1997).

In the neighboring district of Trans Nzoia, European settlers and government officials were battling hard to stop the large number of squatter families and their expanding livestock herds in places such as Saboti, Kwanza, Endebess and Namanjalala. Similarly, in Uasin Gishu district, stiff anti-squatting legislation had to be enforced to limit squatter encroachment on European and government reserve lands especially in Ziwa, Burnt Forest, Sergoit Hills, Ainabkoi and Timboroa. In any case, many European farmers were struggling to control the population of squatters and their livestock in addition to keeping away illegal herding on their extensive estates. In spite of concerted efforts between the settlers and the government, many squatters declined to move away or if they ever did, it was a temporary move only for them to resurface with their livestock after a short while!

The squatter crisis and the continued demand for a return of alienated land exerted great pressure and anxiety on the European settler farmers. The borderland areas of Uasin Gishu/Trans Nzoia and Kakamega Districts became scenes of violent contests between settlers and government officials on the one hand and groups of squatters on the other over grazing and cultivation rights. Rural restiveness reached peak levels as rumors began spreading about squatters and landless people taking over European farms in Kipkarren River, Moi's Bridge, Kitale and Eldoret. All this generated deep fear and anxiety across the racial fabric in the country. The breakout of the Mau Mau rebellion in Central province and its rapid spread to European farms in the Rift Valley sparked off a new level of restlessness, and panic.[9] The greatest fear was that of an impending invasion of the farms by the Africans and an immediate take-over.[10]

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[9] The panic caused by this situation and the added crises created by landlessness caused by large-scale land consolidation in Central province that led to the displacement of thousands of ex-Mau Mau fighters

Thus, by the end of the decolonization decade in 1960, it became clear that short of re-distributing part of the land set aside for exclusive European use in the White Highlands among the Africans, there was very little else that could be done to appease the rising political tension and pressure in the country. The impending political independence for the Africans and the high rumor of Africans invading the highlands to take over the European farms did not augur well for the continuity of the settler-based agricultural economy in Kenya. The presence of Dini Ya Msambwa and NKCA elements in Trans Nzoia that had instigated widespread labor unrest and anti-colonial sentiments increased the fears of Africans taking over the farms through violence.

These nationalist activities caused deep anxiety such that some settlers sold off their farming enterprises at throwaway prices while others simply abandoned them and took off to save their lives. Others, unable to fathom life under an African-led government, simply ran down their stock and estates parceling them out to African buyers or Asian middlemen. A few estates left behind by fleeing settlers became prime target to the large numbers of landless Africans and squatters alike.

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resulted in the hurried creation of the so-called Jet Schemes in late 1963. Beginning with the Kinangop Scheme, the newly elected African leader, President Jomo Kenyatta ordered the rapid creation of such schemes in Nyandarua and Ol Kalou districts.

[10] There are diverse sources that discuss the aspects of land alienation, landlessness, racial discrimination and oppressive colonial laws; unemployment and socio-economic decay in the native reserves, and African nationalism in the lead up to the new land ownership reforms in Kenya. See for instance, Mwangi Wa-Githumo *Land and Nationalism*....1981; Tabitha Kanogo 1987. *Squatters*... 1987; Gary Wasserman, "Continuity...1973a, pp. 133-148; Harbeson, John W. "Land Reforms ....1971, pp. 231-251; B. J Berman, & J. M. Lonsdale, "Crises of Accumulation, Coercion and the Colonial State: The Development of the Labour Control System in Kenya, 1919-1929" in *Canadian Journal of African Studies*, Vol.14, No.1 (1980), pp.55-81.

There were widespread reports of groups of landless peasants encroaching on abandoned estates in places like Nakuru, Njoro, Trans Nzoia and Kericho and staking out individual parcels out of the estates. J. W. Harmsworth[11] argues that with time, the government was forced to recognize such claims and left the invaders to settle down. Further, several *ad hoc* land buying groups were formed for the sole purpose of collecting monetary capital to buy abandoned lands or those from willing departing European sellers. Such large estates were usually sub-divided among the members who formed their own co-operative societies to run their affairs.[12] Most of the ex-European estates offered for sale by African groups were located in the central part of Rift Valley province especially around Kinangop, Subukia, Nakuru, Njoro and Elburgon. To the west of the Rift Valley in Uasin Gishu and Trans Nzoia, most European farmers opted to sell their lands to the SFT for the planned African settlement program while others chose to retain their lands.

However, European settlers though apprehensive about the possible loss of their farming enterprises did not simply throw up their hands in easy surrender. Instead, they exerted heavy pressure on the British government back at home in the United Kingdom and the local administration seeking re-assurance that their investments were safe. Most of the prosperous farmers with heavy investments on their estates stood their ground demanding full compensation. Even the comparatively poorer settlers insisted on full compensation prior to departing the country back to their countries of origin. It is evident therefore, that the general political atmosphere in the country was filled with anxiety, fear and

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[11] J. W. Harmsworth, "An Analysis of the Factors Affecting Loan Repayment on the Million-acre Schemes" (Nairobi: University of Nairobi) *Institute for Development Studies,* IDS Working Paper No. 355, Dec. 1980.

[12] This aspect has been discussed in detail by R. S. Odingo, "Land Settlement in the Kenya Highlands" in James R. Sheffield (ed.) *Education, Employment and Rural Development.* (Nairobi: OUP, 1967).

instability. Indeed, the situation threatened to destroy the then backbone of Kenya's economy - the large-scale European settler and the smallholder African sectors. This situation therefore called for peaceful, systematic and orderly transfer of land from the Europeans to the Africans.

5.3. The Establishment of the A Million-Acre Settlement Scheme Program in Kenya, 1960-64: An Overview.

The foregoing review of the social, economic and political circumstances engrained in nationalism surrounding the question of land ownership is important in understanding the specific trajectory taken by the process of land transfer under the auspices of the Million-Acre Settlement program. Thus, it can be deductively observed that the Million-Acre Settlement scheme program was imperatively designed with two principal objectives in mind. First, the program was to facilitate a rapid but orderly transfer of land ownership from the European settlers to native Kenyans without a disruption in agricultural production. Second, the program aimed at alleviating land shortage in the African reserves.[13]

The program had two important provisions with regard to the new land reform initiative in Kenya. First, it provided for the purchase of tracts of arable land hitherto reserved for or owned by European settlers for subdivision and allocation to landless and unemployed Africans. These lands were purchased using loans from the British government (K£19,977,000) and the government of the Federal Republic of Germany (K£1,218,000)

[13] For a detailed discussion of the aims and objectives of the settlement program, see Richard S. Odingo, "Land Settlement ....1967; H. Ruthenberg, *African Agricultural Production Development Policy in Kenya, 1952-1965.* (Berlin: Springer-Verlag, 1966).

through agencies such as the Commonwealth Development Corporation (CDC, K£1,274,000) and the International Bank for Reconstruction and Development (IBRD/World Bank). As of June 30, 1965 total loans advanced for the program stood at K£22,469,000.

These loans were to be used for three main purposes, i.e. to purchase the land, to be given to the new settlers to develop their new plots and lastly to pay for the administrative and other auxiliary costs of the settlement program. The loans given to the settlers to purchase the land (i.e. long-term loans) were to be repaid over a period 30 years. Those for developing their lands (i.e. medium term loans) had a 6-15 year repayment period with a mean period of 10 years. Short-term loans had a repayment period of 1-5 years. These loans carried an annual interest rate of 6.5%. The development loans were specifically meant to assist the new farmers develop their plots. They were not disbursed in cash. Instead the farmers received Issue Notes, Ploughing Orders and Local Purchasing Orders to buy farm inputs such as fertilizers, hybrid maize seeds, pesticides and farm tools.[14]

Second, the program had provisions for the creation of a limited number of group or co-operative farms commonly referred to as Shirika[15] schemes. Under this arrangement, groups of potential African settlers were allocated group ranches or irrigation scheme projects on a co-operative basis. However, the creation of these Shirika schemes should not mislead the reader with regard to the new government policy regarding land

[14] The Settlement Trustees Fund had provisions for those farmers who needed additional credit to develop other aspects on his land. Such farmers were allowed to apply for such credit from the Agricultural Finance Corporation or any other relevant body with an approval letter from their local Settlement Officer.

[15] The term "Shirika" is derived from the Swahili word "Ushirika" which means cooperation.

ownership. Indeed, following the dismal performance of Group Farms experiment under ALDEV as discussed in Chapter Four, the new land ownership system under the Million-Acre program was strictly based on individual tenure with title deed. Consequently, all the land in the new schemes was to be allocated to native Kenyans in line with the policy of individual tenure as stipulated in the Swynnerton Plan of 1954. Last but not least, the policy of individual ownership and title deed was extended to cover the lands that fell under the Native Trust Lands comprising of the Native Reserves.[16]

In discussing the outlay of the program with oral respondents, it was revealed that many Kabras and Nandi in the present Lugari District expressed fears over the program's land allocation. There were fears that the government in enacting the structure of the schemes did not make provisions for those lands directly claimed by individual clans. This meant that even those lands that were officially classified as Native Trust Lands, the respective clans that owned them could not exercise full control of making decisions with regard to their occupation and use.

According to Goldsack and Nottidge,[17] who served as some of the key figures in the program, the central driving force behind the Million-Acre settlement scheme was to provide both a national economic and political support for the new leadership in the country by allocating land to the landless and unemployed as a way of providing outlets for the teeming pressure from Africans and above all, among the Kikuyu. The twin issues

[16] Throughout the 1960s and the 1970's, the government undertook the task of surveying, consolidating of fragmented holdings and registering them under the new policy of individual tenure.

[17] J. R. Goldsack & L. R. Nottidge *The Million Acre Settlement Scheme, 1962-1966*. Department of Settlement, Republic of Kenya, Nairobi, 1966.

of landlessness and unemployment were perceived as inextricable components of the growing political, economic and social crisis in the country. In reflecting back to this period, Wasserman (1973)a observes thus:

> "For the initial two years of the Million-Acre Scheme (mid-1962 to mid-1964) the major thrust of the settlement effort was to stabilize the new government by weakening rural unrest primarily among the Kikuyu. For the bureaucrats involved in the land schemes African land-hunger was both the great threat to the transfers and, the motive force behind them. The ...administrators for the schemes...stressed the centrality of land hunger in the planners' minds. Especially in the Kinangop, the chief area of settlement for Kikuyu, there was a great fear of land seizures. Government expected a land grab in the first six months after independence. The Land Freedom Army appeared to be very powerful among the Kikuyu; the atmosphere in their areas was "at the boiling point.""[18]

In spite of its promise to calm political dissent, it is important to mention that not everyone was convinced that the allocation of portions of the ex-Scheduled Areas was the final solution to the land problem in all parts of the country. Apparently, the government did not think there was any problem beyond that of landlessness in the Nyanza and Coast provinces but strong apprehensions were held regarding the situation among the Kikuyu in Central and Rift Valley provinces whose ambitions seemed to go beyond the land issue. One view held thus: "...The implication here is that in relation to the size of the problem of Kikuyu unemployment and landlessness, settlement schemes can make only a small contribution, but one hopes a significant one, and that the main object of policy is a transfer if land ownership."[19]

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[18] G. Wasserman, "Continuity and Change...." 1973a, pp. 135-6.

[19] See the elaborate discussion and views presented by the Acting Minister for Land Settlement and Water Development, *Memorandum,* 22 March 1963. *Carey Jones Papers.*

This diversity of opposing views also prevailed in some government circles. The struggle between the so-called "Home Guards" wing of the Kikuyu nationalist movement and the radical elements in KANU had created a split within the leadership with regard to which course the process of decolonization and the return of the alienated lands should follow. During the Cabinet session called to discuss this issue, the Minister for Lands and Settlement observed thus:

> "The qualification "landless and unemployed" was introduced when it was thought that settlement schemes could make a large contribution to the problem of landlessness and unemployment. It is now known that they can be no solution to this problem, although they do, of course, help to resolve it, since the number of labor employed on European farms is high..."[20]

Carey Jones, N. S.[21] also observes that as independence approached, there were intense fears that Africans were readily poised to grab the farms from the Europeans, especially among the numerically strong and dispossessed Kikuyu. Significantly, there were elements in the government that did not flow with the tide that the settlement schemes were the immediate panacea to all the then contemporary political and economic crises facing the country. In fact, there was a growing feeling within the government and the Ministry of Lands and Settlement that in order to stabilize the political and economic mood in the country, the overall land policy should move away from high density schemes and pursue low density ones (which had the added advantage of attracting development aid from donors and various funding sources). The Director of Settlement stated thus:

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[20] Hon. J. Angaine, Minister for Lands and Settlement, in a Speech to the Parliament on a government bill to increase funding to the Ministry of Lands and the SFT Program, May 1965.

[21] See the detailed discussion by N. S. Corey Jones, *The Anatomy of Uhuru.* (Manchester, 1966) especially pp. 140-159 and pp. 168-169.

> "We should aim at a land reform program whose main ingredients are divorced from temporary political expedients and should endeavor to create a land owning, stable rural society with enhanced social status, rights and privileges. In the long run this has the most important stabilizing force upon which the rest of our Nation can be built." [22]

Gary Wasserman[23] argues that the principal aim of the A Million-Acre Settlement program was multi-faceted: politically, the program was part of the "independence bargain" between the colonial forces and the emerging African leadership for an orderly transfer of part of the highlands to forestall an African invasion and take over of the farms. Economically, he argues that the African settlement program was paradoxically designed to "preserve the large-farm agriculture system by removing most of the large farmers" on the one hand and to "integrate and stabilize a European-established farming system into an Africa-dominated polity. To this end the European mixed farmer was the fatted calf, sacrificed on the altar of stability. He was removed either because he wished to leave, or couldn't stay."[24] In spite of these internal differences in opinion, the government proceeded with plans to settle the planned 50,000 landless African families under the scheme.

Well, be it as it may, between 1961 and 1962, the government through the Central Land Board set aside funds to buy land in preparation for the commencement of the settlement program in the western region of the country. Between February 1961 and May 1963 when the initial phase of this program got under way, the Board began purchasing land

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[22] This view was strongly advocated by the Director of Settlement, Mr. J. W. Maina, in a policy document presented to the government and parliament entitled *Settlement Patterns and Prospects*. Ministry of Lands and Settlement, April 4, 1966.

[23] Gary Wasserman, "Continuity ....1973a, pp.133-148;G. Wasserman, 'The Adaptation...1973b

[24] Gary Wasserman, "Continuity...1973a, p. 134.

within or on the periphery of the White Highlands. Several European settlers in the present Lugari, Lumakanda and Turbo Locations in Lugari District willingly offered their farms for sale. The resettlement process itself was carried out by the Department of Settlement. However, from June 1963, the onus of purchasing farms for this program was taken up by the Central Land Board while that of the settlement process by the Settlement Fund Trustees (SFT). It should be noted that though the SFT held the mandate of implementing the resettlement program, it was the Department of Settlement that actually carried out this process. In many respects, this Department acted as the executive arm of the SFT.[25]

In a bid to ensure adequate income and sufficient land for profitable productivity, the size of the individual plots in each scheme was fixed by the SFT. The size was determined by various factors and thus, varied from one scheme to the other, though often ranging between 15 and 40 acres. Generally, the planners took into consideration variants such as soil productivity, climatic conditions and the overall system of farming in a given respective ecological region to arrive at the optimum size of the plots. In fact, these variants played a very important role in the structuring of the settlement program because while designing the specific type of farming for a given area and the attendant farm budgets, it was critical that the farmer be allocated adequate land and a farming aura that could enable him attain the desired target income.

[25] Richard H. Clough, "Some Aspects...(1965?) p.3.

By the end of 1963, there were 18 settlement schemes that had already been started and settled to the west of Nakuru in what was generally referred to as the Western Region Complex (WRC). Table 4 below shows the total acreage that had been purchased for phase 1 of the settlement program in Lugari district as of December 1965.

Table 4 Lugari District Schemes – Phase 1: Land Purchase Program

Scheme No.	Scheme Name	Total Acreage	Total Column in £	Comments
10	Nzoia	7,709	56,019	
11	Moi's Bridge[26]	7,074	54,949	Subject to correction when fully paid
18	Mabusi	5,120	33,556	Subject to correction when fully paid
21	Lugari	11,600	48,934	160 acres may go to forest
22	Mautuma	10,367	42,435	Purchase finalized
25	Chekalini	10,906	75,305	Purchase finalized
26	Lumakanda	11,159	73,977	A further 73 acres may be purchased
28	Sergoit	6,772	43,250	Planning for purchase finalized
29	Soy	7,265	53,600	Subject to check when fully paid
Total		**77,972**	**£482,025**	

Source: Adapted and modified from the Ministry of Lands and Settlement, Department of Settlement, SFT, *Annual Report, 1965-66* pp. 1-2.

On the whole, the process of settling families was accelerated rapidly to the extent that by 1964, 1,187,482 acres of land had been purchased for the scheme. In some instances, all

[26] Moi's Bridge Scheme was previously known as Hoey's Bridge. The old and new names of the scheme are also given the Moi's Bridge Township in the vicinity of the scheme on the Eldoret-Kitale main road.

the required amount of land to establish a planned scheme was purchased at ago while in others, the Board acquired the land in stages till the projected acreage was attained.

The process of selecting the landless and unemployed for allocation of land in this program was planned for implementation in stages. The first stage of the program focused on the creation of Low Density and High Density schemes. High Density Schemes (hereinafter HDS) were proposed to cover an average of 10 acres of good arable land. These comparatively smaller plots of land were meant to settle landless and unemployed individuals. The settlement program selected the qualifying individuals using records at the African District Council level. Prior farming knowledge and skills were not a prerequisite (neither was some form of working capital as in the low density schemes.)

On the other hand, the Low Density Schemes (hereinafter, LDS) comprised of 30[27] acres of high quality arable land and were meant for those individuals who had prior farming knowledge and skills and who also had the ability to raise some working capital to begin developing their farms. The potential settlers here were selected by the administration with the close assistance by the two key Departments of Agriculture and Settlement. To cite the Board's comments by way of Richard Clough:

> "The settlers who are to farm these small farms are selected by the administration in their home districts. Normally a settlement is restricted to people of one tribe, but where today squatters of a different tribe are already resident on the large scale farm before it is purchased they are

[27] According to one of the Directors of Settlement in the SFT I had a conversation with on my fieldwork, this figure was revised upwards from 1965 onwards especially after the initial experiences and difficulties of using mechanization on smaller farms as in Mautuma scheme. After 1965, most LDS plots sizes averaged 35-40 acres of prime agricultural land as seen in Sergoit settlement scheme.

> offered plots even though they may be of a different tribe from that intended for the scheme....On the Low Density Schemes, settlers are selected by the administration in conjunction with the Departments of Settlement and Agriculture from amongst people considered to have farming ability. On the High Density Schemes, they are chosen from among the landless and unemployed."[28]

Taken altogether, Lugari Division has more high density than low density settlement schemes (though there are a few plots with individual plot sizes of 25 and 37 acres.) In all the LDS schemes, there are a few plots of individual land covering over 40 acres and those measuring 100 acres.[29] The total land area covered by these two types of schemes tended to vary according to several factors engrained in the settlement policy and farming expectations. Generally, the LDS schemes averaged 5,000 acres while the HDS ones 10,000 acres in total area. Apparently, there are no special reasons behind the variation in the total acreage between the LDS and the HDS. Perhaps what seems plausible is what Richard Clough has suggested[30] to the effect that the LDS required higher levels of staffing and supervision than the HDS as agreed upon between the government of Kenya and the IBRD/World Bank and the CDC. These two funding organizations were very important in the successful implementation of the A Million Acre settlement scheme project because they are the ones who jointly provided the development loans and funds. By the close of 1964, out of the total land area of 809,286 acres under the administration of the Department of Settlement, 735,672 acres were already planned and 89% of the

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[28] Richard H. Clough, "Some Aspects..., (1965?) p.4

[29] This figure refers to the few 100-acre plots in the Low Density settlement schemes that were purposefully established as Special Plots to provide enterprising smallholders with a practical example of how to carry out or graduate to large scale farming – as it was hoped that some of them would eventually do after several years of gathering experience, knowledge and wealth. Special Plots were strictly allotted to European or wealthy and elitist African farmers with a high level of operating monetary capital and farm-technology. As a general rule, Special Plots were always established on a former European estate with the ex-White homestead serving as residence for the new farmer.

[30] Richard H. Clough, "Some Aspects..., (1965?) pp. 5-7.

smallholder household plots on this land had been allocated to individual owners and settled.[31] Table 5 below shows the total acreage purchased between 1961/62-1964/65.

Table 5 Total Acreage Purchased 1961/62 – 1964/65

Year	**1961-62**	**1962-63**	**1963-64**	**1964-65**	**Total**
Acreage purchased	186,665	291,731	406,821	306,261	**1,187,482**

Source: Richard H. Clough, "Some Aspects of the Land Settlement in Kenya: A Report on an Economic Survey in Four Districts of Land Settlement in Western Kenya, 1963-1964" Egerton College, Njoro, Kenya, (1965?), p. 3.

Though the government endeavored to resettle poor and landless African families in the new program, land was never the less, given out freely. Each settler was given credit facilities to buy the land with a loan. The loan carried an annual interest rate of 6.5%. It was to be repaid twice yearly over a comfortable period of 30 years. However, the SFT made different financial arrangements for the LDS and HDS. For the latter, the settler was not required to put down any security deposit for the loan but he had to pay between K. shs. 80.00 and 120.00 to cover legal fees, stamp duty and other attendant charges. On the LDS however, the settler was required to make a down payment of 10% of the purchase price of the land in addition to legal fees, stamp duty and so on. From mid 1965 onwards, the SFT made a revision of these requirements by asking the settlers to deposit a working capital ranging between K. shs. 1,000.00 and shs. 5,000.00, i.e., depending on the specific nature of the plot and expected/desired farming income.

[31] Richard H. Clough, "Some Aspects...(1965?), p. 3.

The process of establishing the modalities that could facilitate the transfer of land from former European owners to African families through a form of payment for the land proved very tricky for the government. The government and its agencies – especially the SFT – faced stiff resistance from the Africans who did not understand why they had to pay for land that they had been fighting to repossess from the Europeans who had "stolen" it from them in the first place! For instance, the NKCA teaming up with other nationalist organizations and figures stepped up the campaign for the unconditional return of previously "stolen" land back to the genuine African ownership and a halt to the system of buying it through loans.

Apparently, the pressure from the African nationalist sentiments played a major role in the government's decision to establish a tiered "credit" scheme through which African families could buy land. The SFT thus arrived at a "settlement charge" which was to be the cost of the plot to the settler in this manner. Rather than meet both the cost of the land and the attendant administrative costs, the SFT and the government obtained grants from the British government to meet the principal cost of the land. The grant reduced the cost of the land to the African family in the scheme on an average of 33%. The grant also covered the costs of soil conservation, road construction, planning, surveying and the provision of basic services such as drinking water/bore holes, and the construction of a dispensary to provide basic health services. After paying these charges, the remaining 66% of the costs of the scheme was divided by the total number of plots to arrive at the total settlement charge. However, though on the average the British government grant

provided a subsidy of 33%, this was not the same for all the schemes – it varied from one scheme to another.

5.4 The Establishment of the Million-Acre Settlement Scheme Program in Lugari Division, 1961-1970.

As stated in the introductory chapter to this study, Lugari division of Lugari District is one of the newest administrative regions in Kenya. The district was created in 1998 following the government's decision to reduce large administrative areas in different parts of the country.[32] Situated on the periphery of the White Highlands areas of Uasin Gishu to the east and Trans Nzoia to the north in the north-eastern curve of the then North Nyanza district, the present area covered by Lugari district became among the first ever to fall under the new land ownership system under the African land resettlement program. As the date for the attainment of internal self-government (Madaraka) approached in 1961 and as news of the government settling African families from the Reserves on land formerly reserved for Europeans spread throughout Nyanza Province, there was heightened excitement and mixed anxiety among the native Kenyans. Most of the landless and unemployed individuals looked to the prospects of owning land in the settler estates with high social and economic expectations while others feared the prospect of having to abandon their ancestral lands and familiar neighborhoods for the unknown, distant strange lands.

Among the Kabras and other neighboring Luhya sub-groups of the Bukusu and Tachoni in the geographical vicinity of Lugari Division, this excitement was fueled by a rumor

[32] Out of the previous expansive Kakamega District, the government has since created four new districts, i.e. Lugari (or Lugari-Malava in some instances), Vihiga, Butere-Mumias and Kakamega Districts.

that the lands previously alienated from Africans for Europeans use i.e. Kipkarren Farms would be returned to the former clans.[33] Indeed, an advance team from the Department of Settlement had already toured this part of North Nyanza to assess the land needs of the people in regard to the previous controversy over the Kipkarren Farms discussed in Chapter Four. Further, the few Nandi families displaced during the creation of a section of these Farms across the Kipkarren River had been promised to get their lands back under a new proposed settlement scheme in the Osorongai area to the west of the present Nandi District.[34]

Given this heightened excitement therefore, it is important to trace the process of transferring land from the European settlers, companies and the government to the Africans with a view of tracing the historical and contemporary contestation over land ownership in this region. This approach will shed light on the underlying reasons why in spite of the implementation of the African Land settlement program, dissatisfaction and inter-ethnic violence over contested lands claims still persists in such areas to date. Let us begin with the process of acquiring land by the settlement program in regard to our area of study.

5.5 Land Purchase and the Establishment of the Settlement Schemes in Lugari Division.

[33] This expectation was flawed in the sense that the potential settlers in the schemes were to be selected by the District Select Committee and approved by the Minister for Lands and Settlement.

[34] By mid 1961, it was proposed by the Land and Settlement Board to settle the landless Nandi (and a couple of Luhya and Maasai) families in a new scheme in the present Osorongai area. Due to its poor soil and rainfall conditions, the government put this area under beef stock production. Today the area is occupied mainly by the Nandi in the Osorongai settlement scheme, which is scheme no. 54 in the settlement program.

In the period leading up to the creation of the settlement schemes in Lugari Division and its adjacent regions, the settlement program picked up momentum as the government learned from past mistakes and built on experiences proceed with the program. The Director of Settlement, A. Storrar expressed optimism as to the successful implementation of the settlement process. In total, 5,200 families were settled between the 1961-62 and 1962-63 planning periods. This figure rose to 10,500 families during the following planning period 1963-64, bringing the total number of families settled under this program to 15,700.[35]

The land purchase program and establishment of settlement schemes in Lugari Division provide a microcosm representation of the speed with which the program gained momentum. Indeed, Lugari Division provides some of the pioneering settlement experiences in Western Kenya. Between 1960 and 1962, the government succeeded in finalizing agreements with different organizations for acquiring loans to fund the African land settlement program. The overall changing political climate in the country with regard to land ownership discussed above had a momentous impact in the present Lugari Division.

But the heightened anxiety and high prospects of regaining the lost clan lands turned into frustration and disappointment when the Kabras and their neighboring groups learned

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[35] Perhaps it is tenable to argue that the sharp increase in the number of families settled during this period partly resulted from the directive from the Prime Minister, Jomo Kenyatta to accelerate the settlement program, especially through the creation of the Haraka and Jet schemes, a process that has also been dubbed the "crash" program. As of June 1964, the program had purchased 809,286 acres of land that was being processed for settlement. A further 735,672 acres were planned for settlement while those demarcated for occupation totaled 705,339. The SFT had put aside 635,664 acres under conservation. See Republic of Kenya. Department of Settlement *Annual Report, 1963-1964*, op. cit. p. 1.

that there would be no direct return of alienated clan lands. Instead, all ex-clan lands alienated during the early phase of the colonial period for European settlement would be part of the land purchased by the Board for the settlement program. Both the Kabras and the Nandi in the present area of Kipkarren River were very angry upon realizing that their long claims to the lands hitherto alienated for the creation of the Kipkarren Farms would not be given back to them but instead would be allocated to other groups under the settlement program. There was intense anger and frustration across the geographical and ethnic terrain.

The threat of violence seemed very imminent in this area due to the pent-up emotions over the government's refusal to compensate the clans that lost land to the Europeans. Given this situation therefore, some of the European settlers who had been allocated huge chunks of the Kipkarren Farms willingly sold off their land to the Board. Among them was Mr. P. G. A. Smith who sold off his entire estate that today comprises a big portion of Chekalini settlement scheme. Mr. Smith Senior accepted the request by the SFT to serve as the Settlement Officer for Kipkarren alongside Mr. K. E. Deighton.[36]

Mr. Smith's younger brother, Mr. Rocken Smith[37] who owned a much smaller estate in present-day Sergoit settlement scheme in Likuyani Division of Lugari district also sold off his entire estate including his mansion. The mansion served as the key administrative

[36] See the schedule showing the Department of Settlement Staff, Ministry of Lands and Settlement, Settlement Division, *Annual Report 1962-1963*.Nairobi: Government Printer, 1963, p.31.

[37] The administrative offices of the proposed scheme Sergoit Scheme (1965-66) were initially housed in former Mr. Smith's magnificent and majestic mansion. The new planned trading center around Mr. Smith's house was also named Rocken Smith, a name which remained in place till the late 1970's when it was changed to Seregeya. The Sergoit Farmers Co-operative Society had its offices, storage, shop and milk cooling facilities here too.

center for the settlement program in Sergoit settlement scheme created out of his former estate. Next to it, there was a reserved area for the establishment of a Farmers' Co-operative Society facilities, trading center, schools, churches, and other social amenities.[38]

Mr. Smith Junior remained behind briefly after selling off his estate to serve as the Settlement Officer for Sergoit and Soy Schemes. The elder Mr. Smith's neighbor, Mr. J. H. M. Ruysenaars owned a large estate of over 3,000 acres between Turbo and Kipkarren River Townships to the south of the main Uganda Road. He sold off his entire estate keeping his mansion but agreed to remain in the area to serve as the proposed schemes' Senior Settlement Officer.[39] It appears that his estate was merged with that said to belong to Mr. Mafwifwe[40] located to the southwest of present day Chekalini scheme to create the present Murgusi and part of Lumakanda settlement schemes.

The high expectations of the former alienated clan lands being returned to the respective clans did not materialize along the expectations held by the Kabras and other communities. Rather, instead the African groups in this area – the Kabras, Nandi, a

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[38] For a long time, the administrative and shopping center was known as Rocken Smith until the late 1970s when it reverted to its local name, Seregeya.

[39] There were three Settlement Officers serving under Mr. Ruysenaars for the Lugari Settlement area. These were Mr. M. E Doughty, Mr. D. G. Fairbanks, and Mr. P. Campbell. All these officers served under Mr. C. P. R. Nottidge, who was the Area Settlement Controller (ASC) for West of Rift Valley headquartered in Nakuru. For further details, see the schedule of Department of Settlement Staff in Ministry of Lands and Settlement, Settlement Division, *Annual Report1962-1963*. (Nairobi: Government Printer, 1963) p.30.

[40] This research was unable to trace the fate of one of the largest European landowners in the Kipkarren Farms – a European settler only known as Mr. Mafwifwe from archival sources. However, it is most probable that his estate was bought by the Board and divided into two with half of the land going to create Chekalini while the other, a section of Lumakanda and Murgusi settlement schemes.

handful of Maasai and Kikuyu squatter families - soon learned that the government planned to settle only the landless and unemployed families on planned schemes to be created out of these lands. To make matters worse, it was made clear that the first priority would be given to settle families in the most needy over-populated locations in distant places such as Maragoli, Kisa and Bunyore.

These two pre-conditions of being landless and unemployed to qualify for land in the proposed schemes threw many families in the Reserves into a lot of confusion. There were tense moments within families as to who should leave the family homestead to go into the settlement schemes. Surprisingly, though Africans in the villages demanded land, originally they were not as enthusiastic to go and settle far away in strange lands. In fact, some of the potential settlers wanted their former clan lands back! Second, as it increasingly became common in Maragoli and Bunyore, families tended to point out problematic or truant sons as the "landless" ones that should be allocated land in the distant, strange settlement schemes.

In other instances, it was total confusion when it came to this matter. To be resolved was the issue as to who would be considered as "landless" when each son had inalienable inheritance rights in part of the family's lands, however small. Second, by the end of the 1950's, most adult males from the Reserves had become seasoned migrant and casual laborers on European farms and in the mushrooming urban centers. This pattern of migrant labor developed because the colonial anti-vagrancy regulations restricted African men from bringing in their wives and children from the Reserves to their work places.

Thus, to maintain their family ties and social obligations, most men married and left their wives in the Reserves, returning home periodically throughout the year. Therefore, the matter to be resolved was the extent to which seasonal migrant causal labor would be considered as gainful employment or whether such individuals also qualified to be allocated land.

Oral sources pointed out that these two issues caused a lot of conflicts within families as they argued as to who was to be registered as "landless" or "unemployed" (or both) to be included on the list of potential settlers. The crux of the matter here is that in many instances, family members wanted to register as "landless" but also retain their fair share of the family lands in the event the settlement scheme project failed to materialize. Others wanted to be allocated land first in the settlement schemes before they could surrender their claims to family/clan lands in the villages. It is apparent that the inability to resolve such matters within some families account largely for the low presence of the Kabras (and partly Tachoni) families in the new settlement schemes.[41]

In spite of these protracted disagreements within families, the government did not veer off its course of re-settling the landless and unemployed families under the new land ownership program. After purchasing land from the exiting European farmers and large companies such as Dalgety Ltd, the Board virtually bequeathed the land to the

[41] This research was surprised to learn that the intra-family feuds over this matter was not because they competed to be included on the list of potential settlers – rather it was the opposite! Surprisingly, many Kabras people were not eager to take up the new land in the settlement schemes owing to several factors discussed elsewhere in this chapter but the most being the fear of moving away from immediate family members, the supportive clout of kinship relations, neighbors and leaving a familiar socio-cultural environment to strange places.

Department of Settlement. This department was charged with the responsibility of maintaining these huge farms until they were surveyed, sub-divided and settled by the smallholder households or families. Usually, it took up to one year or more from the purchase of the land to active occupation by the African settlers owing to the extensive surveying and planning that had to be undertaken. This process was carried out efficaciously for it encompassed laying out the infrastructure, i.e. a road system, town/urban center, water provision system, the location of cattle dips and that of produce collection centers. The surveying and planning also took into account the need for soil conservation and future expansion of the roads (mainly as part of an envisaged extensive rural access road network system).

After purchasing land from willing sellers, the entire block of land in the present Lugari and Likuyani Divisions was amalgamated into one huge block ready for surveying and settlement. As the prospects of settlement became more realistic, more and more people in the overcrowded Reserves registered as landless and consequently applied to be allocated plots in the settlement schemes. The sudden turn-around in registration was also caused by the promise by the program to settle people from the same clan/village in the same scheme to maintain their neighborhood relations and institutions. To accommodate the increased number of potential families from Bunyore and Maragoli, the Board acquired an additional 10,000 acres of land from the government previously reserved for the forest department. This process resulted in the creation of one a huge block of land measuring over 40,000 acres suitable for the creation of HDS that straddled across either side of the River Nzoia.

To the west of the R. Nzoia, the Settlement program created three HDS i.e. Naitiri, Kibisi and Kabuyefwe schemes in the present day Bungoma/Kimilili districts.[42] To the east, the program created 4 large HDS under Mautuma, Lugari, Chekalini and Lumakanda (see Table 6 below). Altogether, these 7 HDS and the others in the planning stage (such as Kamukuywa) comprised the first phase of what became known as the Lugari Complex.[43]

Table 6 Settlement Schemes in the Lugari Complex, 1964-65

Scheme No	Name of Scheme	Acreage	No. of Settlers on the ground	Adult Dairy Stock Held by Settlers
6	Kamukuywa	37	0	Nil
7	Naitiri	37	75	Nil
12	Kibisi (Kabisi)	37	690	231
13	Kabuyefwe	37	158	Nil
21	Lugari	17.5	654	470
22	Mautuma	17.8	367	242
25	Chekalini	18.4	529	122
26	Lumakanda	19.2	407	262
Total.....			2,880	1,327

Source: Adapted and modified from Kenya: Department of Settlement. *Annual Report, 1963-1964,* Government Printer, Nairobi, December 1964, p. 29.

The second and last phase of the settlement program involved the establishment of more than 20 Low and High density schemes stretching from Sergoit and Soy schemes in the far east through Matunda, Kongoni, Sango, Nzoia, Tongaren, Ndalu and all the way to Kiminini and Kamukuywa to the west. This entire conurbation of High and Low density

[42] These were the pioneering schemes in this region. Later, in the next three years the government added several more under Tongaren (No. 14), Ndalu, and Kiminini (No. 8).

[43] Within Lugari Complex there was a cluster of schemes specifically targeted to settle Luhya ethnic group which are at times referred to as the Luhya Complex. See A. A Ayiro, "The Effects of Mautuma Scheme.." 1971, pp. 10-11.

schemes entailed what is known Western Region Complex (WRC)[44] within the Million-Acre Settlement scheme program (See Table. 7 below).

By July 1st, 1963, the Board had settled 263 settlers on Lugari and 137 on Mautuma, bringing the sum total of settled families to 400. Cumulatively, by the end of 1964, the entire block of the WRC had 2,880 settlers on the ground.[45]

Table 7 Settlement Schemes under the Land Purchase Program, June 30, 1964

Sch. No	Scheme Name	Total Acre-age	Acreage Planned	Type of farming	Plots marked out	Plots alloca-ted	Avg. plots size	Target income + Subsiste-nce
21	Lugari	13,806	11,506	Sisal, dairy, beans	654	654	17.5	£25-£40
22	Mautuma	8,643	7,075	Sisal, dairy	374	367	17.8	£25-£40
25	Chekalini	10,762	10,762	Sisal, dairy	571	529	18.4	£25-£40
26	Lumaka -nda	8,599	8,419	Sisal, dairy	416	407	19.2	£25-£40

Source: Adapted and modified from: Republic of Kenya: Department of Settlement. *Annual Report, 1963-1964*, Nairobi: Government Printer, December 1964, p.12

To date, Lugari District has a total of 12 settlement schemes (see Table 8 below). The schemes in Lugari division are Lugari, Mautuma, Chekalini, and Lumakanda. Recently, Mautuma Central (also referred to as Mlimani Lots) created in 2002 has been added to those in this division. Those in Likuyani Division are Likuyani, Sergoit, Sango, Kongoni,

[44] The other settlement blocks in the Western Region Complex are Lessos Complex i.e. Lessos, Keben and Koylat settlement schemes and Ainabkoi Complex i.e. Ainabkoi North, Ainabkoi East, Ainabkoi West and Timboroa settlement schemes.

[45] See Kenya: Department of Settlement *Annual Report 1963-1964*, p. 29.

Table 8 Settlement Schemes in Lugari District, 2000

Ser. No	Scheme No	Name	Year initiated	No. of plots	Total Ha
1	21	Lugari	1962	671	4,686
2	22	Mautuma	1963	544	4,195
3	25	Chekalini	1963	571	4,405
4	26	Lumakanda	1963	624	4,937
5	24	Sango	1965	545	4,358
6	16	Kongoni	1966	334	4,272
7	18	Mabusi	1966	133	2,072
8	10	Nzoia	1966	209	3,121
9	11	Moi's Bridge	1966	219	2,864
10	28	Sergoit	1967	170	3,689
				4,196	41,539
11	108	Mautuma Central	2002	1,484	1,400
Total				5,680	42,939

Source: Data adapted and modified from Republic of Kenya, Ministry of Lands and Settlement, *SFT Statistical Tables for 2004-2005.* Nairobi: Ministry of Lands, Ardhi House, 2005

Lugulu, Mabusi, Nzoia, and Moi's Bridge. Apart from Sergoit, Soy and Moi's Bridge (average 38 acres) that are classified as Low Density, all the other schemes are High Density Schemes with an average range of 15-18 acres per unit.

5.6 Mautuma Settlement Scheme and the Pioneering Settlers, 1963-66.

As mentioned above, the rapid implementation and the aggressive settlement program in the geo-tripartite region covered by Lugari, Uasin Gishu and Nandi districts generated a lot of anxiety among the African groups living in this region. There was anxiety over the hitherto envisioned prospect of regaining lost clan lands among both the Nandi and Kabras. Indeed, many landless and squatter families on both sides of the ethnic divide sighed with a positive relief at the prospect of being allocated land. But as we shall see below, many families and clans did not realize their dreams of regaining lost clan lands. This situation is significant because these sentiments had a lot to do with the dissatisfaction with the new system of land allocation and ownership under individual title as spelt out by the A Million-Acre Settlement scheme program. Important to note is that these sentiments did not end with the allocation of land to the new recipients but as we shall see later below, they persisted on till the 1990s and even thereafter.

Of the three Divisions in Lugari District, Lugari Division has the second highest number of settlement schemes after Likuyani division. The schemes are Lugari, Chekalini, Mautuma and Lumakanda. Mautuma scheme, which was Scheme No. 22 in the settlement program, was among the first to be established during the first phase of the program. The scheme was started in July 1963 and comprises part of the Western Region Settlement Complex and it was the first one to be settled. A high-density scheme with a target income of £25 to £40[46] annually, the scheme was earmarked to settle landless and unemployed people from the densely populated Maragoli and Bunyore (including Kisa) locations of the Western Region Western province of Kenya.

[46] Like in all cases regarding settlement schemes, this range of income from farming activities was calculated on the basis of net income after the farmer would have repaid the loans and provided for subsistence.

After completing the purchase and initial survey of lands for settlement in the WRC, the Board proceeded to create specific schedule of settlers from the list of applicants. Potential settlers were selected by the District Selection Committee assisted by the local administration using data partly provided by the Native Affairs Department and demographic information contained in Hut and Poll Tax records kept by the local lugongo administration. In a few instances and where it was deemed necessary, the Committee and the Board carried out joint interviews and public hearings to ascertain the information provided by the other two sources. This system of selection was adopted because in the densely populated and highly-dynamic locations of Maragoli and Bunyore, it was a challenging task to effectively identify genuine landless and unemployed individuals in the villages given that these two terms could be given a wide variety of descriptive meanings and interpretation! To understand appreciate the extent to which settlement schemes changed the system of land ownership in our area of study, it is viable to present a case study, and in this case, we will use Mautuma scheme.

Mautuma settlement scheme was the first settlement project specifically earmarked to settle the initial batch of landless and unemployed families from Bunyore and Maragoli Locations. It was the pioneering scheme in what became known as the "Luhya Schemes" following the Board's decision to settle people from the same ethnic group in their own settlement scheme. With a projected 5,000 families to be settled in this project, the SFT sought to purchase a large area to meet the anticipated demand. As mentioned above, the Board and the SFT had already reached an agreement with several European settlers and the leading landholding company in this area – Dalgety Ltd - to purchase land.

The portion of land that comprises Mautuma scheme was hived off a large sisal estate covering 19,493 acres hitherto owned and operated by Dalgety Ltd. This land was purchased by the Board as one block and was originally planned for a single re-settlement scheme that the SFT had proposed to name Lugari.[47] However, this initial settlement plan was re-adjusted following the re-purchase of a portion of the land by the former owner for the purposes of operating the sisal factory and to run the nucleus estate. As a result of this geographical re-structuring, new settlement boundaries had to be drawn. This process resulted in the formation of Mautuma settlement scheme with a total acreage of 8,643.[48] This block of land was then surveyed and provisions made for roads, paths, trading, and administrative centers.

Upon the completion of this process, the arable portion of the block was increased to 10,367 acres divided into 527 plots each measuring an average of 18 acres. However, not all the plots in the scheme are equal in size. Like most other settlement schemes, the plots in Mautuma scheme fall into three categories in terms of acreage, i.e. 11-acre, 15-acre[49] and 37-acre plots.[50] According to the land use plan set by SFT for the 11-acre

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[47] Among the Abaluyia of Western province, the name Lugari has become synonymous with settlement schemes. It is common for people to talk of for people to talk of someone having bought land in "Lugari Scheme" even though this could be in reference to land in far away areas such as Turbo, Matunda, Soy, Sango, Likuyani, or even Moi's Bridge and Soysambu next to Kitale.

[48] Sources available to this research so far are not conclusively explicit as to how the remaining 10,850 of the 19,493 acres that had been purchased were parceled out. However, from the present geographical distribution of the schemes, it is evident part of the land went into Lugari and Lumakanda schemes while a large portion remained unsettled and was converted into forestland in the early 1970s. In 2004, this land was converted into a new scheme.

[49] There were two types of 15-acre plots – those that had sisal growing on them (valued at shs. 2,300.00 each) and those that had none (shs. 2,000.00 each).

[50] The SFT published detailed reports regarding the plot sizes and how each category was to meet the income and budget plans. These strict plans and production targets are some of the major reasons behind the strict regulations barring the subdivision and sale of land in the settlement schemes. See for instance, Republic of Kenya, Department of Settlement, *Five-Year Review....* 1969, p. 20.

plots, 1.5 acres was to be set aside for the homestead, 2.0 acres for the cultivation of subsistence crops, 3.0 for maize and 5 for pastureland. On the other hand, each of the 15-acre plots was carefully surveyed to ensure the availability of 5-8 acres of top-range arable land suitable for mechanized farming. In all the three categories, there were plots that had higher acreage especially where exceptions were made for areas that were rocky, hilly or swampy and thus not suitable for mechanized farming. For the 15-acre plots, half an acre was to be used for the homestead, 2.0 acres for the cultivation of subsistence crops, 3.5 for maize, 1.0 for fodder and 8.0 as pastures for grazing livestock.[51] This entailed a vastly new system of land ownership in sharp contrast to what the Luhya sub-groups had been accustomed to for many years.

There was a big contrast between the farming plans and production expectations for these three categories of settlers in Mautuma scheme. For instance, while the 11-acre plots were meant for the landless and unemployed people, the 37-acre plots targeted the better-off employed African settlers who could afford to raise some working capital to develop their plots. Similarly, while the 11 and 15-acre plot holders were required to raise shs. 80.00 as deposit for their plots, the 37-acre holders were allocated a figure of shs. 180.00. Further, while the bigger farmers were issued with 8 grade dairy cows, the other smaller ones received only 2.

The land use plan for these bigger plots was more ambitious, reflecting the high expectations the SFT placed on these "elite" settlers. The plans were akin to those for the

[51] This data was extracted from A. A. Ayiro, "The Effects of Mautuma..."1971, pp. 13-14.

settlers in the bigger, low density Sergoit scheme with an average of 38 acres of prime agricultural land per holding. The plots ready for settlement in Mautuma scheme after the completion of demarcation covered the fertile and arable part of the land which left a huge chunk of un-demarcated land measuring about 2,000 acres comprising mainly of rough, stony and hilly land unsuitable for farming.[52]

5.7 The New System of Land Ownership and Socio-economic Change: From "People of the Reserve" to 'African' Settlers

In spite of the initial fear of going to settle in unknown, strange lands, there was great excitement when the SFT began enlisting the first batch of potential settlers from the crowded Maragoli location to the settlement schemes. Comparatively, the possibility of owning a "large" plot of land measuring 18 or more acres in the settlement schemes in contrast to the tiny and at times stony patches of family lands in the overcrowded villages in Reserves was a phenomenal entity that the potential settlers looked forward to with unmatched anticipation. It was a phenomenal issue because it amounted to what the villages saw as an entire transformation of a lifestyle from that of the "people of the Reserve" to a prosperous one akin to that of the wealthy settlers (hence the imagery of African or "black" settlers!) To most of these potential settlers, the allocation of such a farm would have multiple positive impacts including resolving the problem of landlessness, poverty, the separation of family members through migrant labor patterns and above all, the feasibility of economic prosperity through agricultural production. In

[52] As indicated elsewhere in this work, this portion of land was constituted to form a new settlement scheme named Mlimani Lots settlement scheme. Land was subdivided into bigger plats measuring 45 to 60 acres each principally meant for grazing beef cattle.

brief, the move to the schemes translated to a new and higher socio-economic class and lifestyle.

This excitement and high economic anticipation was not unfounded. As discussed in Chapters Three and Four, throughout the colonial period, the locations of Maragoli and Bunyore in Nyanza province were some of the worst hit African areas with regard to land shortage. These locations were some of the most densely populated areas in the colony and thus, suffered high levels of landlessness. Oral sources indicated that by the 1950s, many households had less than 3 acres of land hardly sufficient to support the food and subsistence needs of the average 8-member families.[53] Among the Luhya sub-groups, the Maragoli were the first people to start emigrating in search of land outside their ancestral home. By the mid 1950s, many Maragoli households had purchased and settled on land among other groups such as the Idakho, Isukha, Tiriki and Luo. From this time onwards, continued shrinking household land holdings per capita precipitated numerous land litigations in the local African District Court and the Local Native Tribunals.

At the beginning of 1961, the Department of Native Affairs, the local administration and officials from the Board finalized the selection of potential settlers for Mautuma scheme from amongst the landless and unemployed in Maragoli and Bunyore locations. In January 1962, the Department of Settlement took over the block of land purchased for this scheme and began making plans to settle the first batch of families selected as above. Between June 1962 and January 1963, over 53 settlers and their families were settled on

[53] This acreage was obtained from information and demonstrations provided by David Anzeshe, OI, Mukunga, Mautuma, 2004; Samuel Sikote, OI, Makutano, Mautuma, 2004; Dinah Amuyunza; OI, Mbagara, Mautuma, 2004.

their plots. Though slow at the start, the rate of settlement picked up pace with 321 settlers being allotted plots by January 1964, the first year after independence. All the remaining lands area that had not been put under settlement was used by the Department to graze a large herd of beef cattle, this being the most viable option for this use of land.

The financial component of settling in Mautuma was eased on the part of the settlers. Unlike the low density schemes where the new settlers were required to put down 10% deposit for the land (and to pay for other costs), this was not the case in Mautuma. In fact all that the settler had to do was to deposit shs. 80.00 to cover the Stamp duty and legal fees for the transfer of the title deed of the land. But this did not mean that the settlers had an easy ride into their new farms. In fact, the SFT did not grant any moratorium to these settlers. They were expected to begin repaying back the principal and the interest on the land purchase and development loans advanced to them in their first year of farming!

Three major factors influenced the decision to have the settlers begin repaying the loans immediately. First, according to official government sources, it was feared in settlement circles that if the African settler were given a long grace period, laziness and tardiness in repaying the loans would set in. In turn, this would make it very hard to instill effective loan repayment discipline in the settlers. Second, the government wanted to move fast to counter the political propaganda spread by organizations such as the NKCA and sections of the new African nationalist movement that still emphasized the free return of land to the Africans without the latter having to pay for it because this was simply their ancestral lands that had been unjustifiably and illegally alienated by the colonial government. Last but not least, the government was keen on the settlers repaying their loans from their first

year of farming because it had pledged to repay the loans from the lenders – the IBRD/World Bank, the British government, Germany and other lenders in Europe.

The resurfacing of the demand for free land sent alarms in the new government of Prime Minister Jomo Kenyatta. The government feared that such demands could wreck the independence "arrangements" by fomenting the inter-racial, inter-ethnic and inter-regional dissent, which in turn would make the governance of the new nation-state virtually impossible. Later, in his speeches to mark Kenya's independence in 1963, President Kenyatta sought to assuage both sides, albeit skillfully. On the one hand while the Prime Minister hailed the attainment of independence and freedom for the African man, he also by repeatedly emphasized the pledge by the new African government to protect the land and property owned by the Europeans against a run over by the Africans. In a quick response to rising dissent among ex-Mau Mau fighters questing for massive return of alienated African lands on the premise that they fought for the return of the lands, the president stood his ground. Kenyatta repeatedly asserted that the ex-Mau Mau (or Kikuyu factions) did not deserve special treatment with regard to the issue of land allocation because "everyone" fought for independence (uhuru).

This stance not only disappointed the ex-Mau Mau fighters but it also neutralized their hitherto exclusive claim to a lion's share of the ex-European lands on the presumption that they had fought for the land and independence. The stand taken by the president thus, sent a very strong message to the public in the sense that if the Kikuyu Mau Mau/Land Freedom Army fighters who were supposedly at the core of the protracted struggle to

repossess the alienated lands could not be allocated such land *en masse* then the Kabras and other ethnic groups that were partly perceived to have been on the periphery of this struggle were even less justified to demand automatic allocation of land. More so, it was now even more distant for the Kabras to anticipate the return of their alienated clan land in the Kipkarren Farms.

This de-legitimization of exclusive Kikuyu claims to ex-White Highlands in Kenya marked a significant turning point in the history of government policy with regard to the system of land ownership Kenya. Its significance to this study lies in the fact that Kenyatta's stance helped to neutralize and perhaps bury for a considerable period of time in the post-independence era, the hitherto high expectation held by the Kabras (and partly the Nandi) of the desired return of the alienated Kipkarren Farms. It is important for the reader to keep this reversal of expectations in mind because it is instrumental in understanding the sharp ethno-geographical alignments that emerged in this area during the ethnic conflicts in the run-up to the first multi-party elections in Kenya in 1992 and have continued intermittently to date. Having made these observations, let us now return to the analysis of the process of settling the new "African settlers" in Lugari Division.

The new African settlers allotted plots in the settlement program were expected to utilize the land in a viable and profitable manner in line with what was perceived as modern farming practices and as advised by the Agricultural extension Officer. The Department of Settlement did not physically force the settlers to adopt a specific system of farming. This was, in spite of the fact that the lending conditions that came along with the loan

agreements and the Agricultural Ordnance provisions did indeed provide for the Department to exercise this type of direct control. But this is not to suggest that the farmers had a free field day regarding their choice of farming system.

Administratively and with regard to using the land economically, it was believed that in order for the new settlers to meet the agricultural production goals and loan repayment expectations, they had to adopt the system of farming in line with their individual farm budgets as designed for them by the Settlement Planning Officers (SPOs). During the public meetings (Baraza) organized by the government, the settlers were highly encouraged to follow the land use and farming system as determined by the SPOs. This control was held as very significant because it helped the settlers avoid any friction with the Department of Settlement; given that it is the latter that controlled and approved what the settlers could purchase using the development loans. This included for instance, the amount and type of hybrid seed; the number and type of dairy cattle; the quantity and quality of farm tools and equipment, and the amount of tractor cultivation a settler could use among other aspects. This arrangement thus ensured that the new settlers adhered to certain funding requirements. Thus, in this manner, it can be deducted that indeed the Department of Settlement exercised effective control over the system of farming adopted by the settlers.

On the other hand, the government encouraged a wide diversity of individual entrepreneurs, commercial business concerns such as Dalgety Ltd and the parastatal firm, the Kenya Farmers' Association (KFA) to operate farm in put supply stores on the

schemes. The aim of this move was to reduce the transport costs for moving agricultural inputs for the farmers. However, most of these supply stores were, with time, transferred to the management by co-operative societies to run. Next, the government set in place a credit system for the new settlers and their new individual plots of land under the A Million-Acre settlement program was set to herald a landmark in the changing system of land ownership.

5.8 "This is My Plot": Individual Allotment and the new System of Land Ownership in Lugari Division.

As mentioned above, after overcoming the initial fears, the potential of owning individual land in the settlement schemes caught the attention of the overcrowded villagers in Western Kenya at an amazing pace. Within the first three years of the program, the Board could hardly match the massive demand for land. In some of the villages where initially only a handful of applicants had registered as landless and unemployed, there were now hundreds of such cases lining up for land. The Board and the SFT were thus forced to hasten the settlement process to ease the growing pressure and tension. To meet the rising demand for plots, the SFT doubled the Luhya Schemes from the initial four to eight covering the whole of Lugari Division (and additional areas in the neighboring Bungoma District) but still this did not meet the demand. Consequently, to accommodate more settlers, the SFT reduced the acreage in several high-density schemes to 15. In Lugari Division, this move resulted in the expanded Chekalini scheme slated to settle mainly Luhya people from Bunyore Location.

The rapid pace at which the Board and the SFT created the settlement schemes was almost equally matched by the rate of settlement process itself. Within three years of beginning the schemes in Lugari Division, the selected settlers had occupied virtually all the demarcated plots. The Department of Settlement was continuously beset by a large number of qualified potential settlers questing for land. Soon it became apparent that the SFT had under-estimated the number of landless and unemployed individuals in the former reserves who would need land for settlement. Added to this group was the seemingly elastic number of squatters emerging from the former exclusive European estates and government forestlands. The Board was arguably impressed by the pride with which the new settlers proudly pointed out their allotted portions: "This is my plot"!

The rapid pace at which the Board and the SFT converted the ex-Kipkarren Farms into settlement schemes based on individual ownership of land confounded the Kabras and Nandi families in the present Lugari Division. Even more disconcerting to the Kabras in particular, was the realization that all the land in the present Lugari Division was to be allocated to landless families selected by the government from applicants as far away as Maragoli, Bunyore and other locations, their hitherto clan claims notwithstanding. It was with some degree of rude awakening that the Kabras learned they would have to compete for the allocation of land alongside other applicants. That the new schemes would fall under a new system of land ownership based on individual registered plots with title deeds perplexed many, especially given the fact there were still some deep-seated hopes of the land reverting back to (Kabras) clan ownership.[54]

[54] This information was stressed by two particular oral respondents in Chevaywa Location, i.e. Peter Burudi Makhokho and David Reuben Lunani - both of whom argue that their families were forced to

In addition to the failed hopes of regaining their lost clan lands, the Kabras were disappointed when the government declined to re-draw the district (and hence provincial) boundary between the then Kakamega and Nandi districts. Prior to the alienation of the lands that became Kipkarren Farms, the boundary between the settled areas of Uasin Gishu and Nandi districts followed the course of the Kipkarren River all the way to it's confluence with the River Nzoia near Webuye town.

However, after the colonial administration alienated the lands, the boundary was moved northwards from the course of the Kipkarren River to follow the main Kenya-Uganda road[55] between Turbo Township and trading center at Chimoi. This therefore meant that the Europeans could now cross the river and take the lands hitherto owned by various Kabras clans.

The shifting of the boundary line remained a hotly contested issue between the Kabras and the government as demonstrated in the evidence they adduced before the 1930 Native Land Tenure Committee and the 1932 Carter Commission discussed in chapter 3. Thus, with the ascension of an independent African government, the Kabras had high hopes that the boundary would be pushed back to follow the course of the Kipkarren River. This would give the Kabras a bigger chance of being allocated this land.[56]

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migrate from the present Kipkarren area to the present Chevaywa Location where their paternal grandfather hailed from because they were not selected to get plots Chekalini scheme that was created out of Mr. Smith's estate on which they had lived as squatters.

[55] This vital means of transport by land is also referred to as the Great North Road. It provides the critical link between the export and import traffic for the landlocked states of Uganda, Rwanda, eastern DRC/Zaire, and Burundi to the port at Mombasa.

[56] It is important for the reader to keep this Kipkarren River boundary issue in mind because it became a major factor during the 1992-97 ethnic conflicts in this area especially in determining the dividing line

According to one oral source,[57] the local Kabras leaders sent a delegation to the Minister of Lands and Settlement in August 1963 to request for the boundary changes but the interim self-government of Prime Minister Jomo Kenyatta declined the request. While the Kabras pressed for the change in the boundary, the Nandi who occupied this area preferred to have the status quo. This was also for the same reason- since plots in settlement schemes were allocated to individual ethnic groups - they aspired to have a bigger share in the new settlement schemes that were being created here.

Indeed, as expected, the Board and the SFT proceeded to finalize the purchase of the lands out of which they created two low-density schemes, i.e. Murgusi and Lower Kipkarren. The plots in these two schemes were almost purely allocated to members of the Nandi ethnic group. The potential settlers were mainly chosen from a large number of Nandi squatter families (who had lived illegally on government forestland with their large herds) and those who had previously worked for Europeans as herdsmen and milkmen. Only a small portion of the eastern block of the land was portioned out to be part of present day high density Chekalini and Lumakanda settlement schemes. While Murgusi and Lower Kipkarren settlement schemes fell under Nandi District of the Rift Valley province, Chekalini and Lumakanda fall under the ambit of Kakamega district of the Western province.

The process of establishing these settlement schemes in this area marked the final blow to any remaining Kabras hopes of repossessing their formerly alienated clan lands. The SFT

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between the Kalenjin warriors on the one hand and a consortium of the Luhya and a few other ethnic groups on the other.

[57] David Reuben Lunani, Chevaywa, Kivaywa, OI, 2004.

proceeded to settle selected families from Bunyore and Maragoli in Chekalini, Mautuma and Lugari schemes. Additional families from these places were selected for inclusion in Lumakanda scheme. Interspersed among these were a handful of former Kikuyu and Kalenjin squatters drawn from the vicinity of the settled areas of Uasin Gishu and Trans Nzoia Districts. To many Kabras (and other neighboring Luhya sub-ethnic groups), Kenyatta's government, while proceeding to settle the Nandi on land previously alienated from the Luhya, was in effect, legalizing the colonial dispossession of the land from its legitimate owners- the Luhya. We will return to this observation at a later stage.

Four years from the start of the implementation of the settlement program in the Western Region, the project was beset by a number of logistical issues. The most critical problem was that the expected monetary loans and assistance from the British government to continue the purchase of settler farms for settling Africans were no longer flowing in.

According to Gary Wasserman,[58] this resulted from the fact though the British government leadership supported the continuation of the program on previous terms, the treasury and the British High Commission remained conflicted over this set up which delayed the disbursement of funds. The defeat of the Conservatives by the Labor Party precipitated further delays given that the new leadership was not ready to approve any continued financial support for the program on terms set by previous government. The new leadership appointed the Stamp Mission in early 1965 to study the viability of this program.

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[58] G. Wasserman," Continuity and Counter-insurgency ..... 1973a p. 142.

Under the chairmanship of Maxwell Stamp, the Mission Report of October 1965 heavily censored the decision by the previous Conservative government to support the transfer of ex-European farms to the Africans. Discouraging any further transfers of land, the Report pointed out that the transfer was neither wise nor economically viable because it not only led to a massive outflow of capital but it also diverted scarce resources and personnel that would have been more useful elsewhere in the Kenyan economy. The Report also questioned whether the land ownership transfer program had any contribution to the development of the Kenyan economy. Citing the report's, Wasserman observes thus:

> "Further, Kenya was saddled with a heavy debt burden and Britain with a heavy aid commitment for little economic advantage. The Mission reported that the Kenya government was preoccupied with the mixed farming areas and pointed out that the settlement proposals did not reflect the Government's own priorities as set out in the paper on African Socialism. They stressed that the European mixed farms were not of central importance to either the Kenyan commercials sector or to earning foreign exchange, and warned that the Kenya Government was getting into a situation of feeding a "white elephant" at very high costs."[59]

As expected, the Stamp Mission recommended that the Kenya government move away from land transfers and instead put more emphasis on developing those areas outside the ex-Scheduled Areas where the majority of the African population lived and worked. In regard to the need to appease the high emotions over the land question, the Report embraced the view that a much-scaled down purchase and transfer program would still serve the purpose instead of the adopted large-scale program. In addition, the Report was of the opinion that the funds saved from cutting down the massive transfer would serve a better purpose if directed towards economic development.

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[59] G. Wasserman, "Continuity and Counter-insurgency...." 1973a p. 142.

One of the earliest challenges to face the Million-Acre program was the repayment of the loans given to the farmers for purchase of the land and for the development of the farms.[60] In nearly all the schemes established by the end of the first phase of the program in 1968, it had been envisaged that the co-operative societies would be the agency to collect the loans on behalf of the government. Indeed, in spite of the elaborate plans for the establishment of these settlement schemes (in this program), the government, through the SFT and the Department of Settlement did not establish clear procedures for the repayment of loans by the farmers through the co-operative societies. Though, as an encouragement the societies were allowed a 1% commission on all repayments made in this manner, it was not clearly spelt out how this system was to operate.

Perhaps, the problem here was one of personnel and logistics given that the entire settlement program had spent heavily on setting up the schemes but it did not posses adequate financial and personnel resources to establish independent loan repayment machinery in the schemes. In fact, it was widely believed that the government and the Department of Settlement were to save on the expenses of setting up such machinery. Further, the manual billing system employed by the SFT produced a lot of un-reconciled data resulting in ominous accounting setbacks and administrative problems.

In addition to this and as alluded to above, the Board and the SFT were not adequately prepared especially financially to meet the increased demand for land for settlement. The lack of adequate funds for the purchase of more land for the immediate settlement of the

[60] The aspect of farmers falling back and failing to repay the SFT and other development loans has been a major concern to the settlement program. See a detailed discussion in Josephine H. Wanja, "Land on Loan..." 1979.

grumbling Kabras and other deserving communities (especially the displaced Kikuyu) was aggravated by the gigantic squatter phenomenon and its attendant socio-economic crises. The apparent poor performance of the inaugural high density schemes like Mautuma was yet another major issue that the government and the SFT needed to address even as they considered purchasing more land to settle the teeming number of applicants.

5.9 Conclusion

Kenya's attainment of political independence from the British colonial rule in 1963 effected more policy changes in the political sphere than in matters of land ownership and agriculture. There was hardly any significant break in the major economic development policies and the on-going land resettlement program as the government changed hands. Thus, regarding the system of land ownership, it was more of continuity with the land transfer program than a drastic break from the hitherto colonial system.[61] The new African-led government continued with the process of land transfer through smallholder settlement schemes under the Million-Acre Settlement Scheme program that had been under way from 1960. This program targeted settling landless and unemployed families on smallholder parcels of arable land hived off from the former White highlands or from unoccupied government land. Both the outgoing British colonial administration and the incoming new government under Prime Minister Jomo Kenyatta sought to have a smooth transfer of land without disrupting agriculture, which was the mainstay of the economy.

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[61] Gary Wasserman (1973)a argues that the key factor in the land transfer program was "continuity." He asserts that the African land resettlement program only aimed at minimal disruption of the settler agriculture by way of expropriating part of the White Highlands for African settlement. For a detailed discussion of this exposition, see Gary Wasserman (1973) "Continuity..... p. 148.

With the completion of survey and demarcation of plots of lands for much of Lugari District and Western Kenya as a whole by 1962, the government moved to the next phase of establishing settlement schemes in the present Lugari Division of Lugari district. Progress was satisfactory as the first group of African families allocated their parcels of land by the end of 1962. The settlement scheme program in the Division introduced a new system of land ownership by creating almost homogenous ethnic communities of smallholder families living in one area on pre-surveyed allocated land. Only in the second phase of the Million-Acre program and the latter low density schemes like Sango, Likuyani, Sergoit and Moi's Bridge did the program seek to create ethnically diverse communities of smallholder farming households.

The resettlement program encased a new system of land ownership that was partly aimed at resolving a major political crisis and continued agrarian restlessness. This is attested to by the diverse literature on the Mau Mau peasant uprising and nationalism in Kenya. For instance, soon after the outbreak of the Mau Mau, several European farms were attacked resulting in the destruction of physical facilities and the killing of the settler stock. In some instances the settlers were also killed. Thus, certain political, economic, social and racial aspects were embedded in the African land resettlement program.

In spite of the initial fiscal and logistical setbacks facing the A Million-Acre Settlement program, the project took off on a rather bumpy note. However, in spite of the challenges, the first settlers took up their individual plots by the end of 1962 in the pioneering Mautuma settlement scheme. Most of these pioneering farmers in benefited from the free

issue of grade dairy cows, agricultural extension and veterinary services, farmers' training workshops and low interest credit loans from government agencies. These were provided to act as incentives to establish and develop farming activities.

Most farmers settled towards the end of the 1960s decade gradually learned from their past mistakes and farming experiences. With time, they learned how to farm in the medium to high potential areas, acquiring new knowledge regarding cultivating HYV seeds and rearing grade dairy cattle. During the succeeding decade, they began exploiting the high producer prices to attain high levels of economic prosperity. Indeed, after adopting improved farming methods, many settlers in Lugari Division started realizing higher incomes from both dairy and maize production, laying a foundation of what would later become the period of prosperity for the smallholder farmer. In spite of substantial state support, it was a slow and rigorous path towards prosperity. We will pick up the discussion on the growth of agricultural production and the challenges the new settlers faced in the Division in our next chapter.

CHAPTER SIX

6.0 PATH TO PROSPERITY: The New System of Land Ownership and the Growth of Agricultural Production activities in Lugari Division, 1963-1969.

6.1 Introduction

The study of the system of land ownership and socio-economic change in Kenya's rural areas is invariably linked to agriculture. On its part, agriculture has provided the backbone to Kenya's economic development throughout much of the colonial to the post-colonial periods. It was mainly in recognition of the need to strengthen the African smallholder and to stabilize the entire agricultural sector that the colonial and later, the African independent government instituted a massive resettlement program. This was the renowned A Million-Acre Settlement Scheme program discussed in Chapter 5 above. The settlement program marked a major watershed in the in the system of land ownership and African smallholder agriculture[1] as envisioned first through the African Land Development program (ALDEV) and later, the Swynnerton Plan.

This chapter begins with a brief discussion of the importance of land ownership as the basis of the agricultural sector to Kenya's economy within the context of economic performance in sub-Saharan Africa. This background partly helps shed light on some of the factors behind the slow pace in attaining high levels of agricultural prosperity in rural Kenya in spite of substantive reforms in the system of land ownership. This background is useful in setting the stage for a focus on the establishment and growth in agricultural

[1] Besides targeting the allocation of land to hitherto landless African families, the A Million-Acre settlement program pegged the new system of land ownership to planned agricultural production based on a credit plan set up for each settlement scheme.

production activities in Lugari Division with particular reference to the experience witnessed in Mautuma scheme.

Mautuma scheme provides a good case study because it displays representative dynamics of the challenges faced by the new settlers in the High Density Settlement (HDS) schemes in our area of study. The problems encountered in establishing a farmers' co-operative society for the scheme and their marketing of the produce are also discussed. This analysis is pegged alongside the overall process of socio-economic change in the Division among the sampled settlers. The chapter ends with an overview of the process of agricultural development in the scheme and how this laid the foundation of the period of comparative agrarian prosperity discussed in the next chapter. However, before we proceed with this analysis, let us first consider a very brief overview of the place of land ownership and agricultural production in Kenya's economic performance and that of sub-Saharan Africa's socio-economic change.

6.2 Agriculture and Socio-economic Change in Africa: An Overview

The review of related literature in Chapter One shed some slight on the significance of the agricultural sector to Kenya's economy in particular and that of Africa on the whole. Thus, at this juncture, it suffices to reiterate that for many years, the agricultural sector has comprised the backbone of Kenya's economy. This sector accounts cumulatively for segment of this sector because they contribute a substantial proportion of the gross production. At a national level, smallholder farms averaging 2-3 ha are estimated to produce over 70% of maize, 65% of coffee, 50% of tea, 80% of milk, 85% of fish and

about 70% of the total export earnings.[2] Small-scale farmers comprise an important 70% of beef.[3] Together with related processing and manufacturing activities, this sector accounts directly for about 26% of the country's Gross Domestic Product (GDP). In addition, the significance of this sector is based on the fact that it contributes indirectly an average of 27% of the country's GDP through sector linkages with manufacturing, processing, transport, distribution, and other sectors related to agriculture.[4] Agriculture is also an integral component of the country's policy initiatives regarding the alleviation of poverty[5] and increasing food security.[6]

The foregoing data explains why the agricultural sector has always attracted lot of attention in national economic planning and development forums. Important to note is the fact that at the basis of all these agrarian production activities is and has always been land. Indeed, no amount of expedient policy planning can be successful in turning agriculture into a vibrant sector if no attention is paid to the land especially in terms of its

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[2] Floribert Ngaruko "Agricultural Export Performance in Africa: Elements of comparison with Asia" Rome, Italy: Agricultural and Development Economics Division of the Food and Agriculture Organization of the United Nations (FAO - ESA). *Working Papers Series,* No. 9, 2003, pp. 1-3; John Oyuke, "Diversify Exports or Face Doom, IMF Warns Kenya", *The Standard* Newspaper (Online) October 28, 2008.

[3] Kenya Government, National Report: Agrarian Reforms and Rural Development: New Challenges and Options for Revitalizing Rural Communities in Kenya. A National Report on Kenya Presented at *The International Conference On Agrarian Reforms And Rural Development: New Challenges And Options For Revitalizing Rural Communities.* Port Alegre, Brazil March 7-10, 2006, p. 1; See also James K. Nyoro, "Agriculture and Rural Growth in Kenya", Tegemeo Institute, Egerton University, 2002, pp. 4-5

[4] Kenya Government, National Report: Agrarian Reforms .... 2006, p. 1.

[5] See for instance, James K. Nyoro, "Agriculture and Rural Growth....2002, chaps. 3-4; James K. Nyoro & T. S. Jayne, "Trends in Regional Agricultural Productivity in Kenya." KAMPA/Tegemeo Institute, KAMPAP/USAID, 2006.

[6] Various approaches to using diverse aspects of Africa's agricultural performance to attain food security is a widely studies theme. However, for a quick reference, see for instance, Steven Haggblade Ed. *Building on Successes in African Agriculture.* (Washington, D.C.: International Food Policy Research Institute (IFPRI), 2004. (Prepared for the IFPRI 2020 conference "Assuring Food and Nutrition Security in Africa by 2020: Prioritizing Actions, Strengthening Actors, and Facilitating Partnerships,") Kampala, Uganda, April 1-3, 2004.

ownership, use and appropriation. The term "ownership" is used here in its wider context, referring to all aspects of land ownership and control in terms of say, who can access land and of what amount; the cultural values, legal statutes, rules and principles determining the manner in which land can be used and so on. In addition, the policies governing the transfer and appropriation of (especially) crucial farmland are also important components of the overall embodiment of land ownership. Indeed, the entire process of agricultural production revolves around these critical elements because they determine to a great extent the performance of the entire agricultural sector.

From the time when Kenya attained its independence to date, the overall performance of the agricultural sector like that of the economy as a whole has neither been stable nor impressive over long periods of time. Economic performance data over the last four decades shows that though the Kenyan economy has recorded substantive episodes of rapid economic growth, this trend has always failed to be sustained. The overall pattern has been a downward one rather then the opposite. For instance, between 1962 and 1974, the economy registered a remarkable growth of 6.6% per annum dropping slightly to 4.5% in the next decade.[7] Between 1963 and 2000 the country lost most of the gains made during the first three decades of independence. While the economy registered an aggressive annual growth rate averaging 4.0% during the 1960's to the 1980's, this trend declined downwards to the extent that by this year, the rate of growth in GDP had dropped from 3.8% of the previous decade to 1.4%.[8] There was a brief period of recovery between 1994-96 when the economy grew by about 4% per annum but the onset of

[7] The World Bank/IBRD, *World Development Indicators* 2000. (Washington, D.C.: The World Bank/IBRD, 2001).
[8] USAID Kenya, "Kenya: An Economic Snapshot", USAID KENYA, January 2006, p. 1.

drought, collapsing infrastructure, poor agricultural productivity, poor export performance and civil strife from 2000 culminated in a negative economic growth rate![9]

When the data on economic performance is analyzed in periods of say, 10 years, high discrepancies emerge. For instance, during the two decades between 1980 and 2000, the economy recorded very unstable performance. This is evident from the fact that while in 1980 the services sector with 47% share of the country's GDP was the leading contributor, this trend was not sustained into the next decade. The agricultural sector came in second accounting for 33% while the manufacturing sector third with 13% of the GDP.[10] But these figures changed substantially in the next two decades. For instance, by 2003, agriculture had declined to 16% of its share of the country's GDP, while manufacturing and services registered a marginal growth to over 27% and 65% respectively.[11] Thus, from the mid 1980's onwards, this trend has been characterized by unpredictability with the growth dropping to as low as 1.9% between 1990 and 2001.[12] Towards the end of 2002, the economy grew by negative 1.2%.[13]

At the continental level, the situation has not been that different for most of the African economies save for the few well-performing ones like Botswana. Between 1965 and 1997, only Botswana registered an average annual Gross National Product (GNP) growth

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[9] The World Bank in its *Country Brief Report* on Kenya's economic performance for September 2008 states that the country's real growth in GDP registered a 3.0% increase in 2003; 4.9% in 2004; 5.8% in 2005; 6.1% in 2006 and a 7.0% in 2007. These figures have been questioned in some circles.

[10] USAID Kenya, "Kenya: An Economic ..." 2006, pp. 1-2.

[11] USAID, "Kenya: An Economic..." 2006, p. 1-2; additional material from World Bank, *World Development Indicators.* Washington, DC: The World Bank/IBRD, 2003.

[12] James K. Nyoro, "Agricultural Growth in Kenya..." 2002, p. 4.

[13] Kenya Government, National Report: Agrarian Reforms .... .2006, pp. 1-2.

rate of 7.7%.[14] The next best performing economy was Mauritius with 3.8% closely followed by Lesotho with 3.2%. Congo registered a 1.7%, Cameroon 1.4% and Kenya 1.3%. About 75% of all the African countries registered an annual average GNP growth rate of less than 1.0% with 14 maintaining a negative growth rate![15] The precipitating factors are diverse, ranging from destructive civil wars to state corruption; exploitation by Multi-National Corporations (MNCs); lack of technological innovativeness and of industrial inertia; decline in productivity; mismanagement of national resources; poor economic policies, environmental degradation and the unfavorable terms of trade against African products.[16]

This dismal performance of the African economies significantly and indirectly reflects the poor performance of the agricultural sector, which acts as the mainstay of the continent's majority population. At respective national levels, African countries like Kenya have continued to register unstable changes in the productivity of land even under expansion of the area under the principal crops such as coffee, maize, tea, wheat, sugar, pyrethrum, tomatoes, sorghum and French beans.[17] It is within this context that great attention has been focused on the performance of agriculture and especially as regards the critical aspects of improving production to alleviate food shortages and poverty.[18] In turn,

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[14] Paul Collier & Jan Willem Gunning, "Why Has Africa Grown Slowly?", *The Journal of Economic Perspectives*, Vol. 13, No. 3. (Summer, 1999), pp. 1-2.

[15] Paul Collier & Jan Willem Gunning, "Why Has Africa.....1999, pp. 4-5.

[16] Paul Collier & Jan Willem Gunning, "Why Has Africa ..... 1999, p. 5.

[17] See James K. Nyoro and T. S. Jayne, "Trends in Regional Agricultural ....2006, pp.4-10.

[18] T. Ademola Oyejide, Accelerating Agricultural Growth in Sub-Saharan Africa: Discussion *American Journal of Agricultural Economics*, Vol. 66, No. 5, Proceedings Issue. (Dec., 1984), pp. 684-685. William B. Morgan & Jerzy A. Solarz, "Agricultural Crisis in Sub-Saharan Africa: Development Constraints and Policy Problems", *The Geographical Journal*, Vol. 160, No. 1. (Mar., 1994), pp. 57-73; Paul Collier & Jan Willem Gunning, "Why Has Africa Grown Slowly?", *The Journal of Economic*

most policies and programs targeting fighting hunger and poverty are invariably linked to the system of land ownership. Thus, the issues of access to and the redistribution of land; the parameters of land ownership; the question of food sufficiency and rural economic development have remained inextricably interconnected. They also encase integral components in the debate on Kenya's in particular, and Africa's overall economic performance and poverty eradication efforts.[19] At the core of these efforts has been the sustained focus by some African governments, international food aid organizations, donor agencies and academic research on finding lasting solutions to the continent's repetitive food shortages and famines by increasing productivity using the available farmlands.

The stagnation and sudden decline in agricultural production in some parts of sub-Saharan Africa from the late 1970s that precipitated the food crisis of the early to the mid 1980's has continued to attract immense scholarly interest.[20] The resulting food shortages

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Perspectives, Vol. 13, No. 3. (Summer, 1999), pp. 3-22. Hans P. Binswanger & Robert F. Townsend, "The Growth Performance of Agriculture in Sub-Saharan Africa", *American Journal of Agricultural Economics*, Vol. 82, No. 5, Proceedings Issue. (Dec., 2000), pp. 1075-1086.

[19] There has been growing scholarship on the inter-relationship between land reform and poverty eradication in Africa, principally focusing on Southern Africa countries. See for instance, Nelson Marongwe, "Redistributive Land Reform and Poverty Reduction in Zimbabwe" A Working Paper for the Research Project on *Livelihoods After Land Reforms* (LALR) in Southern Africa, 2007. Similar project papers appear on South Africa and Namibia.

[20] For a sample review of the literature on Africa's food crisis during this period, see for instance, Eshetu Chole, (Ed.) *Food Crisis in Africa: Policy and Management Issues* (New Delhi: Vikas Publ. House,; New York: Advent Books, 1990); African Academy of Sciences, Environmental Crisis in Africa: Scientific Response. *Proceedings of the International Conference on Drought, Desertification, and Food Deficit in Africa*, African Academy of Sciences, Nairobi, Kenya, 3-6 June 1986. (Nairobi, Kenya: Academy Science Publishers, 1989); Jean-Philippe Platteau, *The Food Crisis in Africa: A Comparative Structural Analysis*. (Helsinki, Finland: World Institute for Development Economics Research, 1988); Philip L. Raikes, *The Food Crisis in Africa and the EEC*. (Copenhagen: Centre for Development Research, 1987); Allan Low, *Agricultural Development in Southern Africa: Farm-House Economics and the Food Crisis*. (London: Currey; Portsmouth, N.H.: Heinemann, 1986); U.S. Congress, *Food Crisis in Africa: Hearing before the Subcommittee on Africa of the Committee on Foreign Affairs*, House of Representatives, Ninety-eighth Congress, first session, November 1, 1983. (Washington, DC: U.S. G.P.O., 1985); Thomas J. Herlehy, *Historical Dimensions of the Food Crisis in Africa: Surviving*

and famine conditions called even further attention to the agricultural sector especially given the fact that it serves as the principal economic mainstay of 70% of the continent's population. Perhaps the reader may recall the sad, starving faces of shriveled babies and their equally emaciated mothers that defined the food crisis in the Sahel that saw tons of food aid flowing to the region. The sustained attention in this regard has been especially due to the fact that the decline in agricultural production followed a period of comparative prosperity in both smallholder and large-scale farming sectors on the continent.

Like the rest of sub-Saharan Africa facing famine conditions, international food aid flows provided the main and perhaps the only way for survival. By the mid 1980s, it was clear that a bigger portion of the continent was rapidly descending into a food-aid dependency syndrome. However, as the end of the 1980s decade approached and as the flow of food aid from various donors started dwindling, African governments and their leaders were increasingly pressurized to shift their focus from dependence on food aid towards striving to attain food self-sufficiency.[21] Thus, by the start of the 1990's nearly all the sub-

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Famines along the Kenya Coast, 1880-1980. (Boston, Mass.: African Studies Center, Boston University, 1984); J. G. Donders Ed. *Bread Broken: An Action Report on the Food Crisis in Africa.* (Eldoret, Kenya: Gaba Publications, AMECEA Pastoral Institute, 1984); UNICEF and WFC, *Report of the North-South Roundtable on the Food Crisis in Africa.* Report of a meeting of the North-South Roundtable held in collaboration with UNICEF and WFC in New York, March 3-4, 1985. (Islamabad, Pakistan: North South Roundtable, UNICEF and WFC, 1985); Sara A. Berry, "The Food Crisis and Agrarian Change in Africa" in the *Africa Studies Review*, Vol. 27, No.2, (1984), pp. 591-112; Tiyambe P. Zeleza, "The Current Agrarian Crisis: Its History and Future" in the *Journal of Eastern African Research and Development*, Vol.16, (1985), pp.151-186.

[21] The call for African leaders and governments to look into alternative ways of attaining food security drew a wide range of scholarly debates. It is not our intention to delve into the dialectics of this debate, however, for purposes of illustration, see for instance, Naomi Chazan & Timothy M. Shaw (eds.) *Coping with Africa's Food Crisis.* (Boulder, CO: L. Rienner, 1988); Ronald Cohen (ed.) *Satisfying Africa's Food Needs: Food Production and Commercialization in African Agriculture* (Boulder, Colo.: L. Rienner Publishers, 1988.); Hans Holmén, "Myths about Agriculture, Obstacles to Solving the African Food Crisis", *The European Journal of Development Research,* Vol. 18, No. 3, Sept. 2006, pp. 453-480.

Saharan countries including Niger, Mali, Burkina Faso, Chad, Uganda, Kenya, Burundi, Zambia, and further to the south, Zimbabwe and South Africa had started carrying out policy assessments with an aim of providing farmers with positive incentives to intensify food production. Most of the attention in this regard was focused on the obtaining system (or systems) of land ownership and the attendant organization of land use and agricultural production.[22] Hitherto, it was widely believed in scholarly circles that a combination of unsuitable systems of land ownership; poor crop and livestock husbandry practices; lack of good regional inter-linkages, and inefficient land use practices were at the core of the continent's rural food crisis and socio-economic decay.[23]

From the foregoing therefore, the central thematic focus in the policy review process has revolved around closely-interlinked aspects of the system of land ownership; land distribution, farm sizes and productivity; farm labor; the availability of and access to farming credit and the role of local and global market dynamics in relation to farm produce. In such ways therefore has the changing system of land ownership impacted variedly on the process of socio-economic change in Africa's rural social formations.

However, it is not our intention to discuss the entire spectrum of Africa's agricultural performance at this juncture. What is most relevant to us are the changing dynamics

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[22] There are several sources that discuss the centrality of land tenure systems in national agricultural production. For an illustration on rural Kenya and partly covering Lumakanda settlement scheme, see for instance, Frank Place & S. E. Migot-Adholla, "The Economic Effects of Land Registration on Smallholder Farms in Kenya: Evidence from Nyeri and Kakamega Districts", in *Land Economics,* Vol. 74, No. 3. (Aug., 1998), pp. 360-373.

[23] One of the most informative discussions of the various explanations for Africa's agricultural under-performance is presented by Hans Holmén, "Myths about Agriculture, Obstacles to Solving the African Food Crisis", *The European Journal of Development Research,* Vol. 18, No. 3, Sept. 2006, pp. 453-480.

within the sphere of the system of land ownership. Thus, the focus of this study at this juncture is to attempt an analysis of the impact of the changer-over from the previous semi-indigenous communal tenure to the new individual, tenure system (based on individual title) on the system of land ownership. This analysis will also focus on how this change has impacted upon agricultural production and the process of socio-economic change.[24] But first, let us take a look at the dialectics of establishing African settler farming in our case study.

6.3 Establishing African Settler Farming and Other Income Earning Activities

As mentioned elsewhere in this study, the agricultural sector has often attracted a lot of attention in studies on Kenya's economic change especially as regards the contribution of this sector to the country's economic development.[25] From the colonial era to independence, it was widely held that settler agriculture was the backbone of Kenya's economy and that it had also acted as an impetus to the development of African agriculture. However, scholarship has note the disparity in policy formation that favored the European sector over the African one.[26] Throughout much of the colonial period, Kenya had a dual agricultural system. On the one hand was the European settler sector that received heavy state support and subsidies while on the other, the African peasant

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[24] The effects of such a transition in the system of land tenure in relation to the changing land ownership patterns in some parts of rural Kenya have been attempted by Frank Place & S. E. Migot-Adholla, "The Economic Effects...1998", see especially pp. 360-1; Parker Shipton, "Debts and Trespasses: Land, Mortgages, and Ancestors in Western Kenya", in *Africa* Vol. 62, No.3 (1992) pp. 357-9.

[25] Several pioneering works have discussed some of these aspects fairly well enough, e.g. J. K. Maitha, "The Kenyan Economy", in Judith Heyer, et al. eds. *Agricultural Development in Kenya: An economic Handbook.* (Nairobi: Oxford University Press, 1976), Chap. 2; W. M. Senga, "Kenya's Agricultural Sector", in J. Heyer, et al. (eds.) *Agricultural Development* .... 1976, pp. 69-110.

[26] L. D. Smith, "An Overview of Agricultural Development Policy" in Heyer, J. et al (eds.) 1976, *Agricultural Development*...., pp. 112.

sector based on restricted farming on demarcated African (Native) Reserve land. The latter received neither subsidies nor marketing assistance and government support.

There were numerous legislative limitations placed on the cultivation and marketing of certain lucrative crops by Africans and which were reserved for the European settler only. Often, Africans in the Reserves or those residing on European estates as squatters developed strategies to resist discriminative laws that barred them from cultivating these lucrative crops including coffee, tea and pyrethrum. Similar tactics were employed to resist marketing restrictions against African produce imposed by the colonial administration.

In spite of numerous statutory limitations against African agriculture, the peasants struggled hard to improve and sustain their livestock and crop husbandry activities. The advancements made both in the small and large-scale agricultural production activities after the de-regulations did not develop independent of the rest of the agrarian economy in the country. This is why it is important to note the fact that the prosperity witnessed in the large-scale European agricultural sector was not an exclusive economic entity. The smallholder African sector also played an integral role. It is in such a context that the story of establishing the new settler agricultural production activities in Lugari Division should be told and understood.

The move from the village to start a new life as settlers for the pioneering farmers in Mautuma settlement scheme was, in more than one way, the start of a new system of land

ownership and agricultural production in the post-deregulation period. After many decades of facing discriminatory statutory policies in agriculture and being confined to the overcrowded villages, the new settlers had very high hopes in the promise of prosperity in the schemes. Thus, from the start the new settlers endeavored to develop their plots and attain higher living standards with the support of other income earning activities. The introductory briefings they received while still in the villages had given an impression of very rich, fertile and expansive lands waiting to be tilled. Let us then briefly focus on the physical and climatic characteristics of Mautuma scheme.

Located between the western fringes of Uasin Gishu plateau district and eastern tip of the rolling and undulating plains of Mt. Elgon, Mautuma scheme lay in a well-watered region endowed with very fertile soils. The soils were very suited for the cultivation of staple cereals like maize, beans and tubers including sweet and Irish potatoes. A wide range of vegetables and fruits also thrived here in addition to the previous "veteran" cash crop, sisal.[27] The climatic and browsing conditions were also suitable for the rearing of both dairy and beef livestock in addition to small stock such as sheep and goats.

Though the feasibility study of this area presented such an attractive agricultural environment, there were some climatic factors that did not bode well for crop production. As for the new settlers in Mautuma scheme, the feasibility of benefiting from such ecological advantages was still a distant reality. They realized that it would take time to develop their farms and to establish a viable farming economy on their new plots of land.

[27] Sisal is no longer cultivated on a commercial basis in this area due to its poor income and lack of processing facilities. Most of the sisal found growing here today is used for fencing and boundary demarcation purposed.

The settlers learned that they would need to apply for various development loans to buy dairy cattle and to establish the required infrastructure on their farms. In addition, there were the new requirements in the sphere of having to attend basic training in livestock keeping and maize production. Indeed, most of them focused on the immediate and most viable source of income.

It was evident that for new landowners in Mautuma, Lugari and partly Lumakanda schemes, sisal production was slated to become the main income generating activity outside farming. This is because prior to the establishment of these schemes, sisal production was the leading economic activity in this area. The choice of sisal production by the Land and Settlement Board was based on the fact that this area was also well suited for this cash crop. Indeed, almost half of the present area covered by Lugari Division was under a large sisal plantation measuring over 3,000 acres. The plantation together with the sisal processing plant located to the western end of the District near the present day Lugari Station were owned by a large agro-industrial company, Dalgety Ltd. However, after the Land and Settlement Board purchased a huge portion of this sisal estate and other surrounding estates under the Kipkarren Farms syndicate, Dalgety Ltd closed down the sisal factory.

Following the factory closure, most of the sisal was uprooted to pave way for the creation of crop fields under the settlement scheme program. Henceforth, planting sisal on commercial basis stopped. The few sisal plants planted were those meant to demarcate boundaries between different plots. However, there was a brief reversion to sisal

production in 1974 after its market price soared significantly. This prompted the re-opening of the smaller sisal factory at Turbo Township whose sisal fiber products were sent to Kisumu for the making of sisal gurney bags. One kilogram of sisal fetched shs. 1.50 in the local markets but it sold lucratively for shs. 2.30 in Kisumu.[28]

Generally, between 1964 and 1969, most of the settlers in Mautuma scheme invested substantive time and resources in developing other income earning activities. However, the households were cautious not to draw critical labor time and resources away from developing the cultivation of maize as the principal cash and food crop. The complementary income earning activities varied from one household to the other but they generally included raising chicken/eggs; cultivating vegetables, beans, millets, and sunflower and engaging in casual labor. Other economic activities encased timber production, carpentry and making charcoal.[29] By the end of the decade, a majority of the settlers were complementing their income from their staple products - maize, milk and beans - by engaging in local trade involving the sale of vegetables, chickens, eggs, sisal, sunflower and timber products.

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[28] It should be noted that after the closure of the main sisal factory at Lugari Station, close to 90% of the sisal fiber produced in the present Lugari Division was manually churned out by elementary school children for the purposed of raising money to buy a few luxuries such as bread, candy, sweets, and in some cases for more important essential needs such as sugar, cooking oil, and tea leaves. Sisal production never prospered because of poor transportation means to market outlets, the low and often fluctuating market prices and above all, the bulky and tedious job of extracting the fiber manually.

[29] For a general discussion of complementary income earning activities in Mautuma scheme, see Josephine Wanja "Land on Loan: An Analysis of the Factors Affecting Loan Repayment on the Million-acre Schemes" (Nairobi: University of Nairobi Institute for Development Studies, *IDS Working Paper No. 355.*), 1974, p.36.

Previous research by A. A. Ayiro,[30] J. Wanja,[31] J. W. Harmsworth[32] and S. S. Chune[33] on some of the settlement schemes in the Western Regional Complex and in particular, the Lugari Complex underscores the important role played by both on-farm and off-farm complementary income earning activities in the overall socio-economic welfare of the settlers. J. Wanja for instance, emphasizes this aspect and points out that planners of such small high-density schemes should never lose sight of the importance of such income earning activities. This is because of the crucial economic support such activities give settlers even in the absence of major crop failures. She states thus:

> "It is important when planning for the development of such small farms not to neglect such activities. The farmer in seeking to maximize his income never puts all his eggs in one basket. Not only do these subsidiary endeavors provide much needed financial resources in between major harvests, but taken together may in fact constitute the major part of his income."[34]

Since the High density Schemes (HDS) targeted landless and unemployed people, the Settlement Fund Trustees (SFT) and other concerned arms of the government always prepared an economic plan for each scheme. This was carried out with regard to other income earning activities that would help the new settlers establish and sustain a worthwhile socio-economic lifestyle.[35] Depending on the location and other surrounding

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[30] A. A. Ayiro, "The Effects of Mautuma Settlement Scheme on its Settlers." BA Dissertation, (Dar es Salaam: University of Dar es Salaam, 1971).

[31] Josephine Wanja, "Land on Loan: ..... 1974.

[32] J. W. Harmsworth, *Introduction to Problems of Loan Repayment on Settlement Schemes in Kenya.* (Nairobi, Kenya: The University of Nairobi, 1974).

[33] S. S. Chune, "The Changing Land Use Pattern in a Million-acre Settlement Scheme and its Implications on Household Income generation from Agriculture: A Case Study of Naitiri Scheme in Bungoma District." (Nairobi: DURP, University of Nairobi, ADD Library East African Collection, 1997)

[34] Josephine H. Wanja, "Land on Loan: ..."1979, p. 36.

[35] The only exception in this instance would be the case in the Low Density Schemes where the new settlers were given 4 to 8 grade dairy cows and monetary loans to immediately start developing their plots which was considered adequate enough to support these farmers. In any case, the LDS schemes targeted people with an income.

factors, each settlement scheme had its own income generating activities for the settlers. As noted above, in the case of Mautuma and other schemes in the Division, the principal economic activity anticipated here to help the new settlers raise income was sisal production.[36] Given that this area was well suited for sisal cultivation and the fact that the new scheme had been part of the Dalgety Ltd Sisal Estate, it was highly hoped that the settlers would also grow sisal and sell it to the nearby factory that was still in operation as a way of increasing their income and improving their livelihoods.

Unfortunately, this expectation took off to a very slow start because most of the new settlers were not accustomed to the hard task of sisal production.[37] According to oral sources[38] interviewed by this study, many settlers detested the heavy and dangerous work involving sisal production.[39] In addition, due to the shortage of labor within the households to work the larger pieces of farmland, most families tended to direct their labor power towards the cultivation of staple food crops such as maize, beans and potatoes. Labor was also invested in quick-ripening crops that could serve both as food and cash generating sources instead of working on the less lucrative sisal. There was a

[36] From the literature available, it is evident that the SFT and other branches of the government put a lot of emphasis on these income-earning activities. For an overview of the situation in Mautuma scheme, see for instance, A. A. Ayiro, "The Effects of Mautuma ..."1971, pp. 12-15; Josephine Wanja, "Land on Loan: ..." 1979; J. W. Harmsworth, *Introduction* ...1974; and S. S. Chune, "The Changing Land Use Pattern..." 1997, pp. 127.

[37] When the scheme was first established one of the as planting sisal hedges around their individual plots. The new settlers were entitled to a monthly wage income for the first six months of their stay on the farms. This policy applied to all the schemes in this program. For further discussion of this aspect see Richard H. Clough, "Some Aspects of the Land Settlement in Kenya: A Report on an Economic Survey in Four Districts of Land Settlement in Western Kenya, 1963-1964" (Kenya, Njoro: Egerton College, 1965), p. 85.

[38] Oral respondents who provided this information are Bernard Ingasia, OI, Mbagara, Mautuma, December 2004; Anna Minagi, OI, Makunga, Mautuma, November 2004; Jiveti Mugala, OI, Makutano, Mautuma, November, 2004.

[39] Apart from the sisal thorns that posed risk of injury to those tending to the plants, sisal plants were also known to provide a favorite sanctuary to poisonous tropical snakes and lizards that made sisal harvesting very dangerous.

flourishing and ready market for both maize and beans both locally and in distant marketing centers such as Kisumu, Maragoli location and Kakamega. This high demand accounts in the main the reason why during the period between March 1963 and December 1967, the total acreage under maize and beans almost trebled in size in comparison to that under sisal.[40]

Further, rather than allocate labor to work on the low income-generating sisal, many households directed such labor power towards the herding the family's new economic enterprise – the dairy cows. The task of herding the dairy cows especially for those settlers that did not have (sisal) fences around their farms became very laborious and demanding. This is because the livestock needed constant watch throughout the day (unlike the experience the settlers had in their villages with the indigenous cattle.) On the whole, the labor required to look after the dairy cows became more intensive as the farmers endeavored to live up to the expectations of the training manuals they received at the farmers' training centers.[41]

6.4 The Establishment of Smallholder Farmer Credit System in Mautuma Scheme.

After the initial excitement of being allocated land was over, the new farmers faced the challenging task of settling down to begin developing their farms and farming activities. During this early phase in the program, there were three concerning issues that the

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[40] Richard H. Clough, "Some Aspects of the Land..." 1965, p. 86.

[41] One of the leading original settlers in Mautuma, George Kazigani, OI, Makutano, 2004 asserted that most farmers learned later that the sisal hedges that the government had insisted that each farmer plants around their individual holdings were also supposed to serve as labor-saving strategies in regard to the labor required to herd the cows in the fields. Later, he conceded, that he found the sisal hedges very helpful because they also barred neighbors' cows from straying into other people's farms, especially if such cows had not been inoculated against killer diseases such as East Coast Fever, anthrax and black water.

settlement program had to contend with. First was the issue of providing the settlers the logistical support needed to settle down on their new plots. This included for instance, assisting them with resources to build their new houses and other farm structures. Second, though the scheme was located in a fertile area, there were serious climatic hazards to agriculture. Indeed, though the process of establishing the scheme had proceeded fairly smoothly, the Department of Agriculture took cognizance of the prevalence of hailstones in this area. Hailstones presented an ominous setback to the prospects of maize cultivation. Unfortunately, the settlement program had no immediate solution to this climatic hazard. In addition, it was also discovered that the well-aerated loamy spoils were very prone to rainstorm erosion, with a high potential of rendering natural soil nutrients for the plants deficient. Thus, it is significant to note that most of the settlers here were strongly urged to use animal manure to plant maize before shifting their reliance to the more expensive imported fertilizers.

Third was the dual issues of ensuring that the new settlers had adequate food to feed their families before they started their own farming on the one hand and providing financial support needed to establish activities such as dairy and maize production on the other. During the first two years of settling the new families, the process proceeded throughout the year. This meant that there were some families that came to settle either during or after the rainy/planting season and thus had nothing to feed on. To avoid such predicaments, the Department of Settlement adopted the strategy of settling new families during the dry season between October and January so that they had ample time to

harvest crops from their old homes and to build houses on their new plots and still have enough time to get ready for the planting season in February-March.

In spite of these setbacks, the government began making efforts to ensure that the new settlers in Mautuma received substantial assistance to counter the lack of investment capital and the marketing of their produce. With regard to the third aspect above, the Department of Settlement and the Ministry of Agriculture followed the fiscal guidelines set up in the Million-Acre settlement scheme program with regard to credit to the new settlers in Mautuma scheme. This program provided diverse loans the new settlers could borrow at low interest rates as discussed below.

In the feasibility evaluation and planning carried out by Department of Settlement and the SFT in conjunction with the central government, the need to provide both financial and technical assistance to the new farmers was heavily emphasized.[42] This was strongly perceived as the sure path towards the establishment of sustainable agricultural production. To this end, a credit system was established to provide loans to the African settlers. Technically speaking, once an individual accepted a plot of land and settled on it, he became entitled to a farming development loan. Generally, there were two main types of farmer-assist loans. A farmer could take a 5-year loan basically to meet short term production needs such as to buy seed, fertilizer, and to pay for the costs of tractor

[42] During the feasibility study and fiscal preparations for settling the new farmers in the schemes, the government and the SFT set up three types of loans that farmers could borrow: First, a thirty-year loans for purchasing the land with each plot costing shs. 1,600/=; second, Fifteen-year loans for purchasing dairy livestock and for buying building materials for physical structures and/or facilities on the farm and last, a five-year loans for paying tractor ploughing services, maize planting, farm in puts such as fertilizers, top-dressing material ad for covering maize harvesting/preservation needs.

cultivation and so on. Second, a fifteen year loan was approved as a long-term investment venture e.g. erecting a permanent fence around the farm; for the purchase of dairy livestock and heifers; erecting milking sheds, and building a beef herd and so on. However, by the beginning of the 1965 agricultural calendar year, the government and the SFT decided to create a medium-term development loan covering 10 years and that had been mooted to replace the other two loan systems. Like in the previous case, all these development loans carried a uniform interest rate of 6.5% per annum and were to be repaid bi-annually, i.e. every six months. But one of the new parameters to the loans (as regards the LDS) was that moratoria was permitted during the first three years on all the loans, with the interest accruing from these loans only during this initial period. As a rule, the Department of Settlement did not provide these loans in monetary form but instead, the loans were provided through various forms, for instance, paying for the farmer's requisitions such as dairy livestock, seeds, fertilizers, crop sprays and for the costs of hiring a tractor for ploughing.[43]

In spite of the provision of these loans to the Mautuma settlers, the maiden year in crop cultivation brought in poor results. The poor yields resulted from unusually heavy rains that fell during the maize-planting season, i.e. during the months of April to May. The rains caused a lot of flooding in the fields while the muddy soil conditions made planting very difficult. The rains also caused delays due to the muddy fields. Mechanized planting was dismal due to planters blocking up! In the end, the maize yield per acre and per unit farm was abysmally low. We will revisit this aspect at a later stage in this Chapter.

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[43] Richard H. Clough, "Some Aspects...(1965?), p.5.

The emphasis and economic rationale placed on allotting African farmers land based on individual titles came into full significance when it came to securing the 30-year land loans. The government secured the loans against the Letter of Allotment, which in essence was a biding government promise to provide a title deed to the land at a later stage. In many respects, the Letter of Allotment served the same purpose as the title deed, and it was all a farmer needed to produce alongside his national identity card to get loans for developing his farming enterprise. But this arrangement did not work well with loan repayment enforcement because at that time, in the absence of a title deed, mortgages for settlers could not be registered with the Department of Lands, owing to the lack of legally enforceable documentation. Indeed, this weakness in this system made it difficult to enforce loan repayment till new legislative amendments to the Lands and Settlement Act gave the department of settlement legal powers to enforce loan repayment from defaulting farmers.

While the new farmers both on the Low and High Density Schemes generally depended on the seasonal and long-term loans to earn income as a basis of developing their plots of land, the latter fared better because they were offered employment opportunities by the Department of Settlement. This employment was tenable during their first six months on the plots. Richard H. Clough argues that though this offer was "intended primarily as a welfare measure and was paid for entirely by a grant from the British government, the settlers did in most cases manage to do a lot of useful work developing the new settlements."[44]

[44] Richard H. Clough "Some Aspects of Land...." (1965?), p. 6.

One of the critical components of the successful implementation and administration of the settlement schemes was the office of the Settlement Officer. This office was designed to serve as a crucial link between the new settlers on the ground on the one hand and the SFT and the Department of Settlement on the other. The settlement office was thus endowed with a critical role providing the necessary liaison between the three components. The Department of Settlement and the SFT intended the role of the Settlement Officer to be as a facilitating one as possible. Indeed, in their planning, these officers were expected to serve for two years after which they were expected to hand over all the remaining duties to the co-operative society and withdraw from the scheme.[45] The settlement officer played an important role in facilitating the functioning of the new scheme under the management of local officials elected by the new settlers. The Settlement Officer was responsible for the operation of the farmer loan assistance programs and the tractor services program as Richard H. Clough observes:

> "Each settlement is administered by a Settlement officer who frequently was one of the European farmers who had been bought out by settlement. On Low Density schemes, there is intended to be one settlement officer for each 5,000 acres and on High Density schemes, one settlement officer for each 10,000 acres. There are also a number of Agricultural Instructors and Veterinary Scouts to provide the extension services. The settlement officer's job consists of administering the issue of development loans, supervising the tractor hire service, helping the formation of a farmers' co-operative society, and generally administering the settlement."[46]

Usually the officer assisted the settlement program by helping set up a co-operative society for each new scheme. Once it became operational, he moved to the next scheme to help set up its co-operative while monitoring the progress of the previous one. This

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[45] Not all settlement officers moved away permanently from the schemes where they had previously served in helping set up co-operative societies. Some retained their special plots and continued farming well into the 1970s!

[46] Richard H. Clough, "Some Aspects...(1965?), p. 6.

system worked effectively because the settlement schemes were established and settled in successive blocks next to one another. It was strongly recommended and desirable that a co-operative society be formed on each scheme under the auspices of a settlement officer. As discussed in greater details below, co-operative societies were designed to play a crucial role in supporting the farming initiatives of the settlers.[47] The co-operatives were expected to handle all the duties of hiring tractor services, collecting loan repayments, over-seeing the provision of agricultural instruction and extension services and so on.[48] They were also to help in marketing the farmers' produce – including maize, beans, pyrethrum, milk, cream, and wheat.[49] Milk, one of the most lucrative products with a high income requires fast and reliable transport to market outlets and processing factories. This is where the societies came in handy, because they were endowed with the onus of providing transport services for the farmer's milk to marketing and processing outlets. The societies deducted about 20% of the farmer's milk income to cover the transportation costs. However, in some cases farmers would market some of these farm products such as potatoes, maize, vegetables and beef livestock independently.

In addition to providing transportation services for the farmer's produce to the markets, the co-operatives were also charged with the responsibility of maintaining produce quotas for items such as milk or pyrethrum, which they could re-allocate among the settlers. Specialized processing establishments such as the KCC milk plant at Eldoret allocated

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[47] This aspect is discussed in grater detail elsewhere in this Chapter. However, for a cursory overview of the role of co-operatives in Kenya's agricultural and other sectoral development, see for instance, Björn Gyllström *State Administered Rural Change: Agricultural Co-operatives in Kenya.* (London; New York: Routledge, 1991), pp. 149-160; D. O. Arende *The Role of Co-operatives in Integrated Rural Development: The Kenyan Case.* (Nairobi, Kenya: Ministry of Co-operative Development, 1978), p. 2.

[48] Björn Gyllström *State Administered Rural Change*.....1991, pp. 149-160.

[49] Björn Gyllström *State Administered Rural Change*.....1991, pp. 106-7.

quotas for whole milk to large-scale individual dairy farmers or to groups of farmers under one co-operative society. The co-operatives were to ensure that each farmer delivered their respective quotas towards the total quota for the scheme. Communal dips to be run by the society were expected to levy charges to farmers for their use and maintenance. On the other hand, co-operative societies were to be responsible for assisting farmers purchase farm equipment and inputs at a cheaper price from the wholesalers and distributors.

As the Ministry of Agriculture reflected the implications of the hailstones problem in this area in relation to maize farming, focus was also directed on other viable farming activities. The Department noted that Mautuma was one among the new schemes slated as having a high potential for dairy production. The good performance of dairy farming in the neighboring settled areas of Nandi, Uasin Gishu and Trans Nzoia districts and in pocket areas within Lugari, Naitiri, and Tongaren divisions lend credit to this agro-economic perspective. It was therefore little unexpected that one of the prime objectives of the settlement program here was to establish a flourishing dairy farming economy. However, the prospect of establishing a vibrant dairy industry in the new schemes was as not as smooth and fast as initially anticipated by the program. We will focus on this aspect in the section below.

6.5 Acquiring Farming Skills: The Settlers and the Farmer Training Program

The aspirations of establishing a flourishing dairy sector in Mautuma scheme faced setbacks from the onset. The setbacks were precipitated by the lack of sufficient dairy

farming knowledge and skills among the new settlers. The settlers (who came principally from Maragoli and Bunyore locations) did not posses prior knowledge and experience in dairy livestock keeping. Most of them came from backgrounds where families tethered two or three indigenous species of cows to a homestead grazing yard and no more. These hardy cows produced less milk and fed on modest pastures in contrast to the feeding requirements of the crossbreed grade cows that they were expected to rear in the scheme. The latter also needed very strict husbandry practices encasing frequent dipping, effective milking, adequate pastures, additional animal feeds, salt licks and efficient veterinary services. The District *Annual Report* for 1963-64 added that not only did the new settlers lack the skills in these aspects but also were "reluctant" to adopt them! To cite the Report:

> "The settlers having had no previous experience of stock husbandry are reluctant to adopt improved dairy stock. The policy of training the settler in simple stock husbandry on the scheme with Departmental cattle, and then sending him home with the cow of his choice, has been the most successful. There are now some 1,500 cows and heifers in the hands of settlers"[50]

Due to the lack of required knowledge and skills essential for improved farming aspects, it became imperative that the new settlers undergo training essential to good farming. In recognition of this handicap and as in preparation to assist the new settlers begin their farming activities, the Land and Settlement Board and the SFT organized training facilities to provide basic skills in livestock keeping and crop husbandry. This training was deemed to be key to making the new settlers become productive on their new plots. In this regard, the Departments of Settlement and that of Veterinary services organized

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[50] Republic of Kenya Department of Settlement *Annual Report, 1963-1964*.... 1965, p.29

the training sessions in livestock management the local Farmers' Training Center (FTC) that had been established at Lugari Station Township.[51]

The basic skills training program involved the new settlers attending brief instructional activities in regard to these aspects using government livestock. The training sessions oscillated between certain farmers' plots chosen as venues and on government farms. At the end of the training session, each settler was given one free grade dairy cow of his choice to return home with to act as a foundation for his or her new dairy farming activities. In some cases, a few select farmers were sent to the new FTC's.

In spite of receiving the basic training to take care of the grade cows, the new settlers performed poorly as the mortality among the issued grade cows kept soaring. Further, the basic skills program failed to accommodate the large number of settlers in the scheme. Though each settler was issued with two grade dairy cows as part of the program's aim to jump-start the dairy industry, little was attained. Either the cows died due to stock diseases or the average milk yields remained low due to poor cattle management and milking skills. The District Livestock officer reported many cases of dairy cows getting infected mostly by Mastitis, a condition caused by poor milking where milk left in the cow's udder causes infection.

Besides the aspect of poor milking skills, most farmers lacked the appropriate knowledge and financial resources to make full use of Artificial Insemination (AI) services;

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[51] The Lugari FTC was one among several others established both in Western and Rift Valley provinces to provide the training.

periodical inoculation; the enrichment of pastures through seeding and the use of recommended supplementary dairy cattle feeds such as wheat bran and salt lick. The Ministry then attempted to issue crossbreed dairy cow, i.e. a mix between the local indigenous and grade Friesian, Red ball or Guernsey species that were expected to be more resistant to common stock diseases than the pure grade breeds. This trial was not very successful because the crossbreed cows still suffered from the same infections due to poor milking and hygienic care. The government became very weary of the heavy losses incurred due to the high mortality rate in loaned dairy cows. The situation called for further ameliorative measures.

The failure by the new settlers to take good care of their grade cows led to the discontinuation of the basic skills training at the Lugari FTC. Instead, current and prospective settlers underwent more intensive training at different Farmers' Training Centers. The revamped training emphasized the acquisition of comprehensive dairy farming skills, including all-round, hands-on training with regard to the wholesome care for dairy cattle. This included the use of dairy feeds, salt; provision of clean water; use of AI services; regular inoculation; observance of strict dipping and milking schedules and the care of calves. The settlers were also taught how to build suitable physical structures such as hygienic milking sheds dipping facilities and so on.[52]

The re-organization of the dairy farming training prerequisites for the new settlers put back the initial planned issuance of dairy cows in Mautuma scheme. Though many

[52] Ministry of Agriculture and Livestock Husbandry, *Annual Report*, 1965-66, pp.4-6.

settlers were on their farms by February 1962, it was not until July that they got their dairy cows. Others waited much longer. The settlers who qualified from this training session were awarded certificates that enabled them to proceed to the next level of applying for a loan to purchase four grade dairy cows. It was believed that settlers would be more efficient in handling the cows they had obtained on a repayable loan than the previous situation where they got free cows after the basic training. This obligatory awareness of receiving dairy cows as repayable loans (like other SFT loans) was perceived as the most effective motivating factor to make the settlers more industrious.

The viability of livestock production in the new settlement scheme was not very promising from the start. On the whole, the division had a total of 1,096 mature cattle while the immature stock numbered only 264 (See Table 9 below).

Table 9 Livestock Inventory in Lugari Division Schemes, June 30, 1964

		CATTLE				
Scheme No	Scheme Name	Mature	Immature	Oxen	Sheep	Comments
21	Lugari	470	56	_	_	
22	Mautuma	242	117*	_	_	*Includes 59 Beef cattle
25	Chekalini	122	5	_	_	
26	Lumakanda	262	86	_	_	
	Total	1,096	264			

Source: Data adapted and modified from: Republic of Kenya, Ministry of Lands and Settlement, Department of Settlement *Annual Report, 1963-1964*, Table D, p. 20.

Of this, Lugari scheme had the highest figure at 470, Mautuma 242 while Lumakanda and Chekalini brought up the rear with 262 and 122 respectively. This number of cattle was not sufficient to provide a versatile dairy economy. In Mautuma scheme for instance, the population of mature stock at 242 included a large proportion of beef stock and non-milking cows.

Further, almost half of the immature stock numbering 117 comprised of beef stock. In other words, the settlers could not rely on their immature stock to build a versatile dairy herd and industry. Proportionally, the smaller number of immature stock suggested that many settlers might have been selling off younger cattle before they reached maturity. Besides this, the data does not seem to be conclusively convincing because save for Mautuma, the other schemes do not post any data for beef cattle or oxen yet the responses from oral interviews shows many farmers had bulls which they used as work oxen and eventually sold as beef stock. Thus, for the livestock sector to flourish a lot needed to be done with regard to revamping the farmers' training and skill acquisition in regard to livestock keeping and management.

The government, through the Settlement Officers, closely monitored the activities of the new settlers with regard to taking care of the issued dairy cows. Each settler was required to maintain a full record of the productivity and overall wellness of each cow.[53] The record contained information such as inoculation dates and calving, AI servicing

[53] Each farmer maintained a separate record for each dairy cow. This was often done using single-ruled writing books. The name of the cow was splashed on the top cover of the book. In it were all manners of details such as the date when the cow was born; inoculation dates; date of first AI service; calving date(s); quantity of milk produced and so on.

schedules, and daily milk production. Those who failed to take good care of their dairy cows were often referred to attend additional training and farm management courses at Sang'alo FTC near Bungoma township while others went as far as Bukura FTC near present-day Kisumu town. As an incentive, those farmers who obtained higher qualifications from these FTC's and implemented them effectively on their farms were eligible to apply for more loans to develop their farming enterprises. Such farmers had little trouble getting their farming loans approved! However, for such loans and efforts in farming to bring in the expected benefits, settlers had to access farm in puts at a fair price and access the market to sell their produce in an efficient and organized manner. This then brings us to a focus on the placer and role of the farmers' co-operative society.

6.6 A Pillar for Agricultural Growth: The Case for a Farmers' Co-operative Society

The process of settling down the new farmers and providing the required financial support and training services to help them become productive farmers was not a smooth sailing one. More often than not, it was beset by diverse intervening variables and factors. From the fiscal rigor of establishing a working smallholder credit system and the dialectics of running the tractor service to the administration of the loan repayment system, the path towards agrarian prowess in Mautuma Scheme was not an easy one. While the SFT and the Ministry of Agriculture endeavored to find workable solutions to these issues, attention was also drawn to the problem of organizing and coordinating the acquisition of the grade dairy cows, farm inputs, dairying requirements and marketing the farmers' produce. Thus the intricacies of organizing and accessing the tractor services by the new settlers was not the only setback the new land owners faced with regard to their

aspirations of becoming real "African" settlers. The challenges they were facing were further exacerbated by lack of effective co-ordination between the settlers on the one hand and the source of farm inputs such as the Kenya Farmers' Association (KFA) depots and other wholesalers or distributors on the other.

Apparently, the absence of co-ordination between the settlers and the supply sources in this regard was not necessarily a far-fetched phenomenon. This is due to the fact that under the proposed schedule for the schemes, this co-ordination was supposed to be facilitated through the formation of a farmers' co-operative society. Indeed, one of the most important components of the organization of the farming activities among the new settlers was the formation of farmers' co-operative societies. As alluded to above rather briefly, the Ministry of Agriculture, the Department of Settlement and the SFT envisaged that all the new schemes would form co-operative societies to assist the new farmers access agricultural in puts and to market their produce at competitive market prices. The co-operatives were designed to act both as the engine and fulcrum of facilitating the process of agricultural and hence, economic development in the rural areas under the settlement program.[54] The absence of such a component of the new system of land ownership and farming in Mautuma scheme had far reaching effects on the efficacy of the objective of settlement scheme program.

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[54] For a informative reading on the role the government bequeathed Co-operative societies in regard to rural economic development, see for instance, Björn Gyllström *State Administered Rural Change.....*, 1991; Sylvester J. Ouma *A History of the Cooperative Movement in Kenya.* (Nairobi: Bookwise Limited, 1980); D. O. Arende *The Role of Co-operatives .....*, 1978; Joint Kenyan-Nordic Evaluation Mission *Co-operative Development in Kenya: The 1976 Mission Report with Kenyan Government Views and Conclusions.* (Bergen: Chr. Michelsen Institute, DERAP, 1978).

Due to the absence of an organized marketing system for maize during the initial years between 1962 and 1964 (as the case would have been under a Co-operative society), all the maize harvested in Mautuma was sold privately on the open market. That farmers sold their maize independently makes it hard to obtain a sense of the total amount of maize harvested during this period. However, the situation was different in the case of sunflower. According to returns filed by Lugari Farmers Co-operative society, during the 1963-64 farming year, 1,500 bags of sunflower seed sold to the Kenya Seed Company Ltd in Kitale. Of this figure, an estimated 500 bags came from Mautuma scheme. Though this figure looks encouraging, but seen from the wider perspective of the entire Lugari Complex settlers, the Department of Settlement was not satisfied with the performance of the farmers in this context.

The dissatisfaction emanated from the fact that according to the projected production figure recorded in Department's *Annual Report for 1963-64*, the farmers were supposed to be producing almost double this figure. The Report shows that by the end of 1964, the Lugari Complex settlement region had 2,000 households cultivating an average of 2.5 acres of land under maize each. The rest i.e. about 800 families devoted their land to sunflower production. Evidently, the Department expected a much higher productivity than reported from the field.[55]

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[55] The settlement program had plans to diversify and intensify economic productivity of the schemes in several ways. For instance, the government proposed that for the schemes to become economically vibrant, each household was to establish additional on-farm income generating activity, the most viable one being a minimum of 2.5 acres under sisal. This crop would be inter-planted with Soya beans and other marketable crops to raise the income earning levels for the settler families and the settler economy on the whole! For a brief overview of this proposition, See for instance, Republic of Kenya Department of Settlement *Annual Report, 1963-1964....* 1965, p.29.

Unlike the latter schemes in Lugari district such as Sergoit, Lumakanda and Sango that had individuals who had previously worked with the Settlement division and thus, could serve as Settlement Officers, Mautuma Scheme lacked such people. Given that the settlement officers played a crucial role in helping the new farmers to form and run the co-operative societies, Mautuma was unfortunate to miss the services and skills of such personalities. In fact, the nearest ex-European settlers living in the present-day Sergoit, Lumakanda and Sango areas had already been earmarked by the Department of Settlement to serve as Settlement Officers for the proposed schemes to be established in these areas.[56] This explains why there were difficulties in establishing a co-operative society for this scheme alongside the thriving ones as seen in Ainabkoi and Lessos settlement schemes in the neighboring Uasin Gishu and Nandi districts.

The lack of a personality to help form and run a co-operative society was a crucial disadvantage that worked as a major setback to the realization of agricultural production in Mautuma. This disadvantage impacted heavily on the attainment of agricultural progress because nearly all the new settlers here had no prior experience with managing modern-type grain, livestock and above all, dairy-farming activities. In spite of all these shortcomings, the Department of Settlement sought the help of two former European farmers from the present-day Turbo Township area, i.e. Mr. Ruysenaars and Mr. Goodler to assist the farmers to set up a working Co-operative society. The few oral respondents

[56] It was rare to come across situations where a new scheme lacked suitable individuals to serve as settlement officers as the case was in Mautuma. The most probable explanation for this situation is the unique nature of Mautuma's establishment. While nearly all other schemes comprised of land purchased from European settlers who could remain behind to act as Settlement Officers, Mautuma was established on land hitherto owned by a sisal company, Dalgety Ltd. Thus, there was no ex-European settler who could serve in such a capacity, hence the tribulations and setbacks faced in this regard.

who recalled this trying period indicate that these two ex-white settlers met some success in establishing a co-operative society in Mautuma scheme.

Efforts by Goodler and Ruysenaars were not very effective from the start because they were virtually removed from the center of the activities in the scheme. That they operated from a distance outside the scheme and the lack of solid support and co-operation from the settlers on the ground made it difficult for them to establish a full-fledged operational farmers' co-operative society. Their efforts were hampered further by the fact that Mautuma lacked adequate operational capital to help set up such an organization. Unfortunately neither the Ministry of Agriculture nor the SFT were willing to pump in the capital required to proceed with such an endeavor. The acting office holders failed to negotiate to raise funds to buy the starting stock for the Co-operative Society shop.

It is therefore rather disconcerting to note that in spite of being the pioneering settlement scheme in the Western Regional Complex, Mautuma did not have a fully operational co-operative society till late 1965.[57] When the co-operative started functioning in late 1965-66, it had very limited financial and operational capacity to meet the demands of the new farming enterprise. It lacked adequate capital to purchase equipment such as trucks to transport milk and other farm produce to the collection and processing centers. Lack of operational or recurrent monetary capital also dismally affected its capacity to hire manpower and to purchase the necessary farming equipment for the scheme's operational efficiency.

[57] Even then and thereafter, the co-operative that was formed here never attained the efficiency compared to the ones formed say in Lugari, Sergoit, Soy and Sango settlement schemes.

6.7 The Challenges of Developing Milk and Maize Production

Closely linked to the establishment of dairy farming was the anticipated cultivation of high-income cereals like maize on a "modern" farming scale. Indeed, at the start of the scheme, the Department of Settlement expressed high hopes of attaining high maize yields from Mautuma. This was especially so after the government approved the establishment of the tractor system. The planned introduction of mechanized ploughing of the fields alongside the use of recommended hybrid maize seeds and fertilizers were the key factors behind the anticipated rapid development in African settler agriculture. But this expectation took off on a rather false note because the Department of Settlement and the Ministry of Agriculture did not make provisions to readily supply tractors for the scheme. As a consequence and to keep in step with the schedule of developing settler farming as a dynamic enterprise, the Department was allowed to contract tractors from private sources for use by the settlers.[58]

Initially, it was anticipated that for the tractor cultivation to be economical and profitable enough and as part of the mechanization initiative, each settler would cultivate an average of 8 to 10 acres of maize. Beans would then be inter-planted between the maize lines. But this proposition was beset by a major setback – if each plot was to have this amount of acreage under mechanized maize production, the remaining land, i.e. 8-10 acres on average would not be sufficient to provide adequate all-year pastures for the dairy cows in addition to space for the farmer's homestead and other infrastructure facilities such as milking sheds and cow pens. Consequently, on the advice of the Settlement Officer, it

[58] For a discussion of the performance of the tractor service in the settlement scheme, see for instance, Republic of Kenya, Ministry of Lands and Settlement, *Annual Report, 1965-66*; J. H. Wanja, Land on Loan: ..1974.

was decided that each farmer would cultivate 2.5 acres of land by tractor for maize production. The farmers were to pay shs. 250.00 individually for this service but in the form of farm development loan to be repaid over 5 years.

In spite of all the efforts, the government-run tractor service was a failure. The program ran into a series of fiscal, administrative and operational hitches forcing the Department of Settlement to abandon it altogether. From 1967 onwards, private contractors were allowed to provide this service through indirect loans provided by the government.[59] Most of the private contractors were ex- European farmers or Asian entrepreneurs with a large fleet of operational tractors.

Unfortunately, private contracting failed to resolve the problems facing the tractor service. Various explanations have been forwarded to explain this failure. First, it is argued that the large number of small-sized maize farms to be ploughed by tractor presented serious logistical problems. Such tiny fields measuring 2.5 acres on average were uneconomical to plan for effectively by different, independent tractor service operators. It was also practically impossible to organize a contract service of this nature to serve such a large number of new settlers within such a short notice. Second, it was also very hard to ensure farm ploughing to all these settlers in time to meet the planting time. In addition to this, the ploughing and preparation of the fields was done very poorly because of the hurried manner in which the tractors were operating and also the soggy

[59] The farmer applied for this service by filing a detailed form bearing all his details – his name, the name of scheme, plot number, and plot size. The form was to be co-signed by the local settlement officer and then by the operator of the tractor service after the job was done. The operator later used the complete form to claim payment from the government

soils due to excess rainfall. Thus, most farmers were not satisfied with the quality of the ploughing and often wanted their farmers to be re-ploughed at no additional cost![60]

The third factor came by the way of economics, that is, with regard to the costs and efficiency of the tractor program itself. The average acreage of 2.5 acres to be ploughed by the tractor per settler soon became uneconomical in relation to the high costs of running the contract service and maintaining the tractors. The returns on the tractor hire services were too low to sustain this system. Most contractors thus opted out of this business due to its poor profitability. Last but not least, bureaucratic delays between the government and the Department of Settlement on the one hand and that between the Settlement Officers in the fields and tractor contractors on the other tended to delay the provision of farm ploughing services to the farmers at the critical time they were needed! Farms were usually prepared between January and February in readiness for planting from the first week of March. This time frame thus availed a very small window between farm preparation and planting the maize seeds before the onset of the heavy rains. Evidently, this situation impacted negatively on the potential of realizing high maize yields. Thus, the problems encountered in running the tractor service added to the many challenges that these new settlers faced.

The foregoing setbacks facing maize production did not forebode well for this crucial staple crop. Maize production in the initial phase of Mautuma scheme was poor. The overall downward slide in maize productivity that stretched into the late 1960s was a

[60] The Settlement Officer for Lugari also reported that many farms were ploughed in strips to avoid tree stumps that the settlers had not removed after feeling trees to create crop fields. This often left the fields inadequately ploughed and made planting very difficult.

major concern to the government and the SFT. This was because maize had been highly anticipated to be the economic flag-bearer of the scheme's prosperity. By the 1968-69 farming year the settlers were harvesting an average of 15 bags per hectare against the figure of 45 set by National Agricultural Research Station (NARS) at Kitale and the Ministry of Agriculture. However, it should be noted that there was a high variation in maize yields per unit of land from one farmer to the other. Each acre yielded between 1.22 and 11.66 bags of maize (i.e. 3.03 to 29 bags per hectare).[61] The Ministry of Agriculture expressed deep dissatisfaction with this performance especially given the fact that all the farmers planted certified hybrid maize seeds from the Kenya Seed Company in Kitale. Thus, the question that begged for answers is: what factors led to this dismal performance of maize production?

Data from the few research reports covering this area is not very conclusive on this subject. However, according to A. Y. Allan,[62] though all the farmers used tractors to plough their fields in preparation for maize planting, a number of intervening variables came into play after this stage that impacted negatively on maize yields. One, the use of fertilizers was poor and uneven. Most of the farmers tended to use only half to three quarters of the recommended quantity of fertilizer per unit of cropping area due to inadequate financial resources to purchase enough fertilizer. This, he argues, contributed to the low yields in maize per unit of farmland.

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[61] This data is extracted from J. H. Wanja, "Land on Loan:.." (1974), p. 31

[62] See A. Y. Allan, "Maize Diamonds: Some Valuable Results from the District Husbandry Trials in 1966", in *The Kenya Farmer* (January 1968); pp. 22-23; J. H. Wanja, "Land on Loan: 1974, pp. 31-34.

Unfortunately, Allan does not explain the dynamics of low maize productivity in the face of the facts on the ground. It is true that in some instances, due to changing farming fortunes, the use of fertilizers and other farm inputs by farmers can be uneven. But this cannot be said to apply to all farmers throughout different farming years. According to the earlier records kept my Mautuma Farmers Co-operative Society Ltd, nearly all farmers had access to annual and short-term loans advances in the form of farm in puts such as fertilizers, certified maize seeds and top-dressing needs in tandem with the cultivated acreage. Thus, this study was unable to find conclusive evidence as to why most farmers would have had lacked adequate fertilizers for planting their maize crop.[63]

Second, Allan argues that there was wastage in land due to poor or irregular seeding procedure. In nearly all cases, maize was planted by hand in holes dug in straight lines using ropes as recommended and the space between the lines was also maintained by all the farmers. However, the practice of planting maize by hand using the hoe created extra space between the maize plants, the result being that an acre ended up with less maize plants than required. This reduced the final maize yields or harvest per unit of land.

Third, and in another study, A. Y. Allan[64] is of the opinion that low yields in maize harvests in Mautuma Scheme emanated from discordance between the planting times and the rainfall regimes in Western Kenya. He argues that instead of planting their maize

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[63] Perhaps in contrast to the 1960's, during the 1980's and beyond, there have been numerous cases farmers would get the required amount of fertilizer and maize seeds only to sell them on the black market and plant only a portion of the loaned farm in puts. This trend precipitated the high incidence in the failure by farmers to repay their long and short-term loans to the SFT and the government and hence their resort to selling off portions of their land to raise the money owed.

[64] A. Y. Allan, 'The Influence of Agronomic Factors on Maize Yields in Western Kenya with Special Reference to Time of Planting.' Ph. D Dissertation, Makerere University, Kampala, 1972, see chaps 3-4.

fields between the last week of March and the second week of April as recommended by the Agricultural Research Station, most of the farmers put off the planting till late April or early May. This was because most farmers were afraid of losing the seeds to pests or through lack of adequate rainfall at the germinating stage. Allan argues that this delay in planting resulted in lower grain yields. In some contexts, most settlers justified this delayed planting citing inconsistencies in the onset and duration of rainfall during the planting season.

In later studies carried out in the 1980's and thereafter, it has been observed that land use practices and the resultant ecological depreciation have also contributed to the declining maize yields not only in Mautuma but also in the rest of Lugari Division. Overuse of the land through continuous and repetitive ploughing and the cultivation of the same crop in the same way using the same fertilizers over many years have resulted in soil nutrient depreciation that in turn precipitated lower yields. Further, the use of the same type of tractor rotary ploughs and harrows that go the same depth make the soils to become compacted. The Department of Agriculture expressed deep concern over the poor levels of soil conservation measures in the scheme. The combined effect of these two factors has been a serious depreciation in soil nutrients, which has in turn, contributed to lower crop yields and productivity of the land.[65] J. H. Wanja, asserts thus:

> "This has gone on for year after year and the result in several instances is the build up of a hard layer below the ploughed topsoil. Subsequent cultivation only stir up this limited top layer which has by now become

[65] This research raised this issue and asked the farmers why they did not rotate their maize crop fields over the years and the oral sources stated that it was very hard to shift or change maize fields on the plots because only certain portions of each plot were suitable for mechanized ploughing and hence, for establishment of crop fields. Other respondents identified the heavy tasks of creating new crop fields from areas with sisal and tree stumps that required a lot of heavy labor to uproot them.

> impoverished. In a few cases ....the fields approximated dust-bowl conditions with stunted maize about two feet high flooded when it rained and rapidly baking hard after a couple of dry days"[66]

A fifth factor relates to weather. According to the reports filed by the District Agricultural Officer, rainstorms especially those that come with high winds and hailstones tend to destroy maize plants resulting in poor yields. As noted elsewhere in this chapter, the settlement schemes in Lugari Division (including Mautuma) are located in a region that is vulnerable to hail storms and fast driving winds. Hailstones often shred maize leaves thus curtailing the development of the plants to maturity. More often than not, high winds flatten maize crops making them vulnerable to pests, rodents and decay. The loss is greater if the maize is flattened before the crop has matured. The schemes in this division have always bore the brunt of the effects of this climatic problem because the winds reach here after having gained maximum speed having blown tens of miles over the wide stretch of the facilitating, flatlands of the Uasin Gishu plateau. Thus, together with the foregoing aspects, it is evident that the underlying factors behind the low productivity of maize in Mautuma could be attributed to a multiplicity of diverse financial, ecological, fiscal, technological and human factors.

On the other hand, the discussion above noted that the endeavor by the farmers to establish a viable dairy and maize production industry was in turn inextricably linked to the efforts to establish an operational Farmers' Co-operative society. The dairy sector based on whole milk processing was already well served by processing plants at Eldoret in Uasin Gishu and Kitale in Trans Nzoia Districts respectively. By the end of 1965, the

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[66] Josephine Wanja, "Land on Loan:....",1974, .p33

whole milk processing plant at Eldoret run by the Kenya Co-operative Creameries (KCC) was already in full operation and contracting numerous individual large scale dairy farmers and co-operative societies for the supply of whole milk. Those co-operative societies contracted in such a manner had proved their capability to supply on a regular basis, the allocated quota of whole milk. This, in turn meant that the settlers were maintaining their dairy cows well enough to sustain the milk production.[67] Comparative data from other contemporaneous settlements schemes in the Western Regional Complex (WRC) such as Ainabkoi and Lessos in Uasin Gishu district attest that the settlers here had attained higher levels of skills in dairy farming than their counterparts in Mautuma.

Unfortunately, due to the limiting factors named above, Mautuma co-operative society could not meet the milk quota requirements. In the final analysis, the co-operative brought in very little dairy income to farmers because it was only given an allocation for butterfat. This meant that the farmers were to take their milk to the plant and then have the butterfat (cream) separated from the milk. The butterfat would then be sold to KCC while the farmers returned home with their skim milk! In the end, the farmers actually earned 80 cents per gallon of milk compared to shs. 2.00 that other farmers earned when they sold their milk as whole milk to KCC. In the 1964-65 year, the Mautuma settlers sold 27,052 pounds of butterfat to the KCC plant at Eldoret. This arrangement denied the

[67] From oral respondent accounts, each farmer had an account with the Co-operative society identified with his plot number. Each account had an "established" quantity of milk they delivered daily to the Co-operative society's collection center that they worked extremely hard to maintain daily. Any substantive reduction in this amount had to be properly explained to the Co-operative society. There were many situations where some farmers delivered all their milk to the co-operative to meet their individual quotas and then bought milk from neighbors for their domestic use.

farmers the high income they could have earned had they sold their milk as whole milk to the plant.

According to some oral respondents,[68] several entrepreneurial dairy farmers were extremely unhappy with this situation. They formed a pressure group and petitioned their Co-operative society officials to sell their milk as whole milk to the processing factory at Ainabkoi or Lessos. This attempt proved very difficult because of the transportation logistics involved. In any case, the plant at Eldoret about 30 miles was the nearest to the scheme but owing to the poor roads, getting the milk to Eldoret in a good time range before the milk went bad was already a big problem! Thus, to attempt to deliver the milk a further 30 miles from Mautuma to Ainabkoi or Lessos (40 miles) using similar road conditions was not feasible!

In the absence of a lucrative market for wholesale milk, some farmers attempted to increase their income from dairy farming by selling milk in the open market (including to other settlers who did not have dairy cows). Milk sold locally in this manner fetched between shs.1.50 and shs. 1.80 a gallon. (This income is almost twice what the farmers earned when they sold the same amount of milk to the plant at Eldoret for butterfat alone.) But the settlers in Mautuma did not enjoy high producer prices for milk. Richard H. Clough[69] for instance shows that while settlers in other schemes such as Ainabkoi and Keben earned shs.2.75 per gallon of whole milk delivered to the KCC plant at Eldoret, the highest those in Mautuma ever earned was shs. 1.50. Thus, it did not take long before

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[68] John Mugavane, OI, Makutano, Mautuma, 2004; Gerishom Mugalla, OI, Makutano, Mautuma, 2004.
[69] Richard H. Clough, "Some Aspects of the Land..." (1965?), p 9.

the farmers abandoned the co-operative society because apart from selling cream to the KCC plant at Eldoret, the Co-operative did not assist the farmers to market any other produce on their behalf.[70]

6.8 Growth in Maize Production, Credit and the Preferential Price Issue

During the expansion of maize production as the new system of land ownership took root in the settlement program, a substantive proportion of the maize harvested was sold through the Co-operative society to the Kenya Farmers' Association (KFA) and later Maize and Produce Board grain stores at Turbo and Kipkarren townships. The procedure was that farmers received loans to plant maize from the government parastatal agency, the Agricultural Finance Corporation (AFC). The loans were disbursed to individual farmers through their respective Co-operative societies usually in the form of farm preparation credit, hybrid maize seeds, fertilizers, top-dressing and fungicides such as DDT. At the end of the farming year, the farmers were required to sell their maize through their Co-operative society. The society would then deduct the total loan the farmer owed the AFC for that farming year and the land repayment loan due to the SFT and then give the farmer the net income.

Though most of the farmers were happy with this arrangement (because of its role in helping reduce the intricacies of working out the farming and credit modalities with other agencies), this failed to resolve the problem. Indeed, there was growing discontent among

[70]Perhaps the most notable achievement the Co-operative had was maintaining the communal dip that it took over from the Department of Settlement in 1964 and the role it played in assisting marketing the farmers' maize.

the settlers in Mautuma for what they perceived to be favoritism by the government. This emanated from the fact that while maize growers in other schemes such as Keben and Ainabkoi in Uasin Gishu district fetched shs. 38.00 per bag Mautuma farmers were paid only shs. 30.00 per bag![71] This preferential pricing system also heavily favored the new settlers in the neighboring former European settler areas of Trans Nzoia and parts of Nandi Districts. As it will be demonstrated in the discussion in Chapter 8 of this study, this preferential pricing in maize, milk and other agricultural produce impacted negatively on inter-ethnic relations and politics between the settlers in Western and those in the Rift Valley province. This also partly accounts to the genesis of contemporary inter-ethnic ethnic tension, animosities and violent warfare between the predominantly Kalenjin Rift Valley ethnicity against immigrant non-Kalenjin groups. So far so good for that, let us return to our line of argument.

In 1967, the system of advancing farmers AFC loans on individual basis was discontinued in Mautuma because of the small size of the land under maize cultivation. Farmers however, were still eligible for the loans only if they applied for them in groups of three. This system proved not only cumbersome but also made the recovery of the loans very hard because of the complications inherent in collecting payments for a single loan from three different farmers (but supposedly underwritten by the co-operative). To illustrate, many farmers lost huge earnings when the AFC recovered the loans from the Co-operative and in turn the latter took up all the receipts from the farmers to meet both their operational costs and the loan repayment commitments to the AFC! Consequently,

[71] See Richard H. Clough, "Some Aspects of .....(1965?) pp. 87-89 for a detailed discussion of these differential price figures and how they impacted the evaluation of the performance of the settlement schemes in the region.

many farmers became financially distressed as they realized little or no income at all from their maize harvests.

From 1967 onwards, a majority of the settlers avoided selling their maize through the Co-operative society opting instead for the lucrative private market outlets. By 1969, it was estimated that over 60% of the total maize produced from Mautuma scheme was being sold through private outlets to the market. In spite of realizing higher income from their maize farming activities, this trend made many farmers to fall back in loan repayments both to the SFT and their Co-operative society. The Department of Settlement and the Ministry of Agriculture attempted efforts to regain control of the situation but with minimal success as J. H. Wanja notes:

> "The Co-operative made an attempt to re-enter maize marketing in 1972 but regardless of whether the farmer supplying it had repaid his maize loan, or had in fact ever had one, the total amount was seized and set against outstanding arrears, thus farmers are totally unwilling to sell through their societies though they would prefer to do so if this were not the case as they obtain official price and transport provided. The loan from AFC was to the Society and by the Society to groups of 3 farmers."[72]

The harsh decision by the AFC to seize all the farmers' maize harvest did not go down well with the spirit of mutual interaction between the settlers and this body. It was an ill-advised move. The settlers now retreated from the Co-operative more than ever before. They circumvented it and marketed the most lucrative produce here – maize – through private outlets. In the end the AFC failed to make a full come back into the maize marketing business. The Co-operative also failed to make a strong headway into the

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[72] Josephine H. Wanja, "Land on Loan: An Analysis of The Factors Affecting Loan Repayment on the Million-acre Schemes" Nairobi, Kenya: *Institute for Development Studies, Working Paper No. 355* University of Nairobi, 1979. pp. 26-27.

provision of other essential and desired services to the settlers. Though it partly held onto the maize marketing, its overall performance in other areas remained wanting. Consequently, by the end of the 1960's more and more of the settler farmers in Mautuma were turning to the open market to sell their farm produce encasing milk, beans, potatoes, maize and vegetables instead of relying on their non-performing co-operative.

6.8 Conclusion

The excitement over being allocated their individual plots of land among the new settlers was quickly followed by a re-awakening task of mastering farming in the new socio-cultural and ecological environment. As noted elsewhere in this study, the spectre of moving to a strange socio-cultural environment had been one of the major fear-factors acting to discourage the prospective settlers from leaving their over-crowded village lands to move to the schemes. While a few settlers found the transition too much to bear and the temptation to return to their familiar environments back in the villages very strong, they persevered and step by step, struggled to become competitive farmers. On the whole therefore, the mission of learning how to farm with conviction of the process of establishing farming activities in Mautuma scheme was characterized by rugged struggles and protracted efforts by the new settlers to embrace the new farming techniques in the high potential areas. Backed by basic training offered in the Farmers' Training Centers, the new settlers grappled with the day-to-day mundane tasks and demands of becoming expedient keepers of dairy cows and cultivators of new high-yielding variety cereals. Like in other settlement schemes, the Mautuma settlers were expected to make use of the supportive financial/credit and loan services to help establish their new farming activities.

Similarly, the Mautuma settlers were expected to maximize the benefits of employing other organizational services provided by a Farmers' Co-operative Society to develop their farming activities. In conjunction with the Settlement officer, the co-operative was supposed to assist farmers access farm in puts and other related services at a cheaper cost. Further, the co-operative society was endowed with the task of helping market the farmers' produce. In essence, the co-operative-based marketing system was also strategically designed to ensure the success of the loan repayment requirements as a basis of entrenching the new system of land ownership. The government purposefully set up this arrangement in an attempt to bridge the gap and otherwise rough linkage between the new African farming activities on the one hand and the former European settler farming-dominated market structures on the other. The failure of the tractor service program and that of establishing a functional farmers' co-operative society were some of the major setbacks against agricultural development in Mautuma Scheme.

It is unfortunate that for some of the pioneering settlement schemes such as Mautuma, the Farmers' Co-operative Societies were weak or became inefficient and thus, removed a critical link between the farmers, the market and sources of farmer credit services. This transferred the burden of meeting the costs of maize production to the farmers, many of whom were undercapitalized. Thus, lack of adequate capital to purchase the recommended amount of fertilizer to cover the maize farm also contributed to lower yields per unit of land. The trend was for farmers to stretch out the little fertilizer they had to cover the whole maize farm.[73] This practice resulted in insufficient nutrients to for

[73] Recent research has shown a substantial increase in the use of fertilizers among farmers in Kenya especially after the economic liberalization measures in 1990. However, the noticeable increase in Lugari

the maize crop precipitating lower yields. Similarly, lack of adequate financial resources to buy the required amount and recommended quality of top dressing inputs, pesticides, and to meet weeding costs also cumulatively led to poor yields.

The discussion in this chapter has demonstrated that the implementation of the Million-Acre settlement scheme program that took off in 1962 in our area of study and in other parts of the country marked a major watershed in the changing system of land ownership. On the other hand, the changes witnessed in the transition from various forms of indigenous systems of land ownership towards the new one based on individual tenure with full title deed also heralded a new era in the way Africans perceived and also used land. Perhaps, the most important transformation with regard to perception in this context pertains to the manner in which land in the settlement schemes was conceptualized. Land was perceived almost purely as an individualized economic endeavor with less cultural controls and kinship limitations as compared to the situation obtaining in ancestral lands in the original homelands of the settlers. Most significant is the fact that it marked not only a major transition in the system of land ownership in much of rural Western Kenya but also initiated a dynamic process of socio-economic change rooted in improved livestock and grain production.

Division is especially among the more prosperous farmers most of whom are recent land-buyers/immigrants into the settlement schemes. This category of farmers have a good monetary capital outlay from non-farming activities such as private sector employment, business, which they can readily invest in their crops. For a detailed analysis of this trend see for instance, Ariga, J., T. S. Jayne, and J. Nyoro "*Factors Driving the Growth in Fertilizer Consumption in Kenya, 1990-2005: Sustaining the Momentum in Kenya and Lessons for Broader Replicability in Sub-Saharan Africa.* Tegemeo Working Paper No. 24/2006 Tegemeo Institute of Agricultural Policy and Development. Egerton University, Njoro, Kenya.

For the new settlers, it was not just enough to claim ownership of a plot of land in the new schemes but also to learn and master the art of becoming efficient farmers alongside engaging in complementary economic activities. Beginning with a high mortality rate in the newly–issued dairy cows, the basic skills training program for the new farmers was discontinued and replaced with a more comprehensive one. The latter encompassed thorough training in crop and livestock husbandry. The revamped training succeeded in imparting vital livestock management ands crop husbandry skills to the new settlers that in turn laid the foundation for increased productivity witnessed in the next decade.

On the whole, the government and the Department of Settlement recognized the fiscal limitations, technological setbacks, marketing shortcomings and ecological hazards facing the new settlers. In addition to providing both short and long term farming credit/loans, the government took measures to provide further incentives to maize cultivation. For instance to encourage the new settlers to produce more maize and milk, the government set higher maize prices for the produce delivered through Co-operative societies as contrasted to the produce brought in by individual producers. The higher prices were purposefully set as an inducement to have more farmers sell their produce to the government buying centers. It is also evident that this arrangement facilitated the repayment of the SFT loans by the farmers through deductions from the maize sales. By 1969, most settlers had already stabilized and started realizing high and increasing income both from staple crops during harvest time and from the other income earning activities during the crop ripening and low-farm labor demand seasons. The most intensive economic activities during the crop maturation period were casual labor,

harvesting sisal, burning charcoal, doing carpentry work, and selling timber. A few households that carried out these activities ended up with almost as high gross incomes from these complementary activities as they did from maize during the harvesting season.

Together with dairy farming and maize cultivation, these activities entailed the genesis of the agrarian prosperity marked by the purchase of bicycles, farm equipment, tools, and the replacement of the grass thatches as roofing material with iron sheets. However, the process in Mautuma was comparatively slower in contrast to the experience in other schemes such as Lumakanda and those in Likuyani Division. In the end, the passage to the attainment of agricultural prosperity was by way of a rugged path rather than a smooth roadway. It is a story we will pick up in the next chapter.

CHAPTER SEVEN

7.0 Land Ownership, Tenure Security and Economic Change in Lugari Division, 1970-1980.

7.1 Introduction

The period between 1967 and 1969 marked the last phase in the settling of African families in the A Million-Acre Settlement Schemes program in Lugari Division of the Western Regional Complex (WRC). Provincial and District Annual Reports for the period 1967-68 and 1968-69 demonstrate that the government and the Settlement Fund Trustees (SFT) were impressed with the progress that the African land settlement program had attained towards the end of first decade of its existence. Though impressive, and as noted in the foregoing Chapter, the transformation of the new landowners and their allotted plots into a dynamic agricultural entity was not a smooth process. As witnessed in the case of Mautuma scheme discussed in this Chapter, the process was faced by diverse financial, technical, administrative, and logistical setbacks. With time however, both the Settlement program administration and the settlers embraced frugal strategies and acquired farming skills that gradually helped overcome these challenges.

This chapter discusses how the new system of land ownership engrained in individual ownership and title deed in Lugari Division enabled the settlers to expand agricultural production and off-farm economic activities that contributed to comparative economic progress during the decade between 1970 and 1980. The chapter begins by focusing on the initial phase of socio-economic change with regard to improvements in the material possessions and socio-economic lifestyle of the settlers in the inaugural Mautuma settlement scheme. The discussion proceeds to focus on the development of a free market

in land and the rise in the sale of household land in the Division with particular reference to Lumakanda settlement scheme.

The discussion then moves further to focus on how the new trend in land sales has impacted the present system and pattern of land ownership. Lumakanda scheme serves as a good case study to analyze these changes with regard to the impact of the sale of household land on the changing system of land ownership because of the following aspects. First, it was among the first mixed High Density Schemes to be settled in the Western Regional Complex. Though initially planned to settle the Luhya from the overcrowded Locations of Maragoli and Bunyore, the scheme expanded to include a number of squatters and landless families belonging to the Kalenjin, Kisii, Luhya, and Kikuyu ethnic groups. This ethnic diversity gives it a unique representative position in regard to the analytical focus of this study.

Second, unlike other schemes that had uniform plot sizes, Lumakanda had three different plot sizes. The initial block of land for settlement in Lumakanda scheme was surveyed and partitioned into three blocks based on acreage with Block A having 12, Block B, 15 and Block C 17 acres.[1] This variation in landholding size per household is a variable that helps to control other intervening landholding (per capita) factors. Further, unlike other schemes in the Division that had the same socio-economic cadre of settlers such as Mautuma and Lugari, Lumakanda had a wide diversity of settlers encasing ex-squatters, teachers, civil servants, traders and so on. These aspects make the scheme a good unit of

[1] Government of Kenya, Ministry of Lands and Settlement, *Annual Report, 1963-64*, pp.6-11.

study in assessing the historical and contemporary dynamics of the changes in the system of land ownership especially as perceived through the analytical prism of the African land settlement program. However, before we proceed with the thrust of this approach, let us briefly consider the place of agriculture within the context of the system of land ownership in relation to the process of socio-economic change in Lugari Division.

7.2 Growth in Agricultural Production and Socio-economic Change in Lugari Division, 1970-80.

Generally, the period between 1970 and 1980 in the history of Kenya's smallholder agricultural sector (especially in the Million-Acre Settlement schemes) has often been referred to as the "decade of prosperity." During this period and under the new system of land ownership based on individual title, the settlers in the smallholder settlement schemes realized perhaps the highest yields and sustained incomes from agriculture to date. Nearly all the respondents[2] interviewed were uniformly agreed that indeed the 1970s decade (and extending briefly into the early years of 1980s) were the most prosperous years in their farming history.[3]

During the 1970-71 farming year for instance, the settlers in Mautuma scheme delivered close to 90,000 tons of maize to the Maize and Produce Board depots at Turbo and

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[2] Respondents in Mautuma, Lumakanda and Lugari schemes were uniformly agreed upon the observation that the decade of the 1970s was one of unmatched prosperity in regard to both livestock and crop farming.

[3] Unfortunately, this study was unable to retrieve coherent records at the collapsed Farmers' Co-operative Society offices in Lumakanda, Lugari and Mautuma settlement schemes that could have provided more supportive data. This is with regard to the amount of milk delivered to the KCC plant at Eldoret and quantity of cereal grains delivered to the various branches of the Maize and Produce Board and later, the National Cereals and Produce Board (NC&PB) depots in the region by the farmers from the Division.

Lugari Station Townships.[4] According to the comments by the District Agricultural officer in the District Annual Report for the same period, the marked increase in maize production was largely due to the adoption of better crop husbandry practices and of high yielding variety (HYV) hybrid maize seeds. Virtually all the farmers in the new schemes planted the C-613 or C-614 Hybrid maize seeds produced by the Kenya Seed Company in Kitale or by National Agricultural Research Stations (NARS).[5] The Ministry of Agriculture and the Department of Lands (Settlement Division) strictly enforced the planting of the hybrid maize seeds. Oral sources noted that it was almost a capital offense for a farmer to plant any other seed other than the approved hybrid variety. The seed was readily provided on loan to farmers through their respective co-operative societies to be repaid through periodical deductions from the farmers' produce sales by the same.

The campaign to plant the new maize variety was very successful. By 1970, save for very limited instances in the present Matete Division, the entire area covered by the present Lugari District was under the new hybrid maize species. The new settlers also embraced this species due to the high yields the seeds produced. For instance, while the indigenous maize species always had one comparatively smaller cob of maize on each plant, the new hybrid species had two to three maize cobs, which increased overall yields per unit of land.

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[4] For a discussion of the production figures in Mautuma scheme, see for instance, A. A. Ayiro, "The Effects of Mautuma Scheme on its Settlers." BA Dissertation, Dar es Salaam: University of Dar es Salaam, 1971, pp.12-16. The Settlement Officer for Mautuma scheme provided this figure cited from A. A. Ayiro in 1970. See also Josephine Wanja, "Land on Loan: An Analysis of the Factors Affecting Loan Repayment on the Million-acre Schemes" (Nairobi: University of Nairobi Institute for Development Studies, *IDS Working Paper No. 355.*), 1974, pp. 28-35.

[5] Government officials through local administration officials aggressively encouraged the planting of these HYV Hybrid maize species. According to oral sources, local Chiefs and their assistants went around calling on the new settlers espousing the advantages of the new maize variety. Diverse work songs were composed in praise of the new hybrid maize.

By the end of the 1970's decade, maize produced by settlers in Mautuma, Lumakanda and Lugari was sold at various maize buying depots at Kipkarren River, Turbo, Soy, and Moi's Bridge Townships and at times as far as Eldoret town. The farmers sold their maize at such distant buying centers due to the fact that the government introduced preferential (and higher) producer prices[6] for maize (and milk) for the farmers in the neighboring Trans Nzoia, Uasin Gishu and Nandi Districts of the Rift Valley province as opposed to those in the neighboring Kakamega district of the Western province.[7] This was done ostensibly on the assertion that the costs of production were higher in the former areas compared to the latter. But it is most probable that the government did this to give impetus to several European settlers who were still carrying out extensive farming in these high potential areas and the upcoming large-scale African producers.

Since most of these maize depots were located along the boundary between the Rift Valley and Western Provinces, it was necessary for the officials to separate the two producers from the Western and Rift Valley provinces. At the Turbo Township depot for instance, the farmers from the Rift Valley delivered their maize to the depot via the eastern gate and those from Western, the western gate. In the other depots where there was only one entry to the depot places, farmers formed two respective separate delivery lines in this regard. We will revisit this issue at a later stage in this study.

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[6] This preferential pricing system introduced by President Moi was deeply detested by the farmers in the so-called low potential areas of Kakamega and Bungoma Districts. As we will note in Chapter 7, this is one of the major factors that helped entrench hostile inter-ethnic feelings between the Kalenjin on the one hand and the Luhya, Kikuyu, Kisii an other ethnicities on the other. These farmers expressed

[7] While some farmers in Lugari Division sought to sell their maize at higher prices at depots on the Rift Valley province side at Turbo, Moi's Bridge, Soy, and Kipkarren River townships, their counterparts in Bungoma District did the same in Kitale. Like in the case of Kakamega, the new settlers in the schemes in Bungoma District were also excluded from this preferential pricing. Most settlers sold their milk and maize at lower prices at various depots in Bungoma and Webuye Townships.

There was a marked increase in the total amount of maize produced in the high-density schemes in the Division evident between 1969 and 1973. Given the fact that the government set higher producer prices for maize delivered through the Farmers' Co-operative societies, it became necessarily imperative for the settlers to deliver their maize crop to these depots. After all, the government also compensated the farmers the costs of transporting the maize and for other incidentals expenses such the price of gunny bags, fungicides and so on. In fact between 1974 and 1978, the government constructed additional grain stores[8] in all the above-mentioned trading centers to handle the huge maize harvests coming in from the schemes.

In spite of these efforts, the new huge grain storage facilities at these townships were not adequate to accommodate all the maize brought in by farmers. Consequently, the NCPB management was always forced to store thousands of bags of maize in huge stacks several stories high covered with huge tarpaulins to protect the maize from rain and other destructive elements. Though all the trading centers in the Division (save for Mautuma) were served by a railway service where wagons transported maize to flour millers and outlets in other parts of the country on a regular basis, still there were always huge stacks of maize at these places.

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[8] According to Mr. Wambulwa Mafunga, a retired senior civil servant in the Ministry of Agriculture and who also worked with the AFC, it is difficult to accurately estimate the number of bags of maize that the farmers in the present Lugari Division because different farmers took their maize to different buying centers on different years in search of higher selling prices. For instance, a farmer in Lumakanda scheme could deliver his maize at the Turbo buying center this year and then at Lugari Station, Kipkarren River, Webuye, or Eldoret during the next five years! Another oral source, John Kositany, the then acting Manager of the KFA depot in Turbo, the management was forced to requisition three to four express train services to transport the maize from Lugari to Nakuru and Nairobi to the millers to try and ease the congestion at the store.

While there was some slight variation in the explanation presented by oral respondents, it is largely evident that the dairy industry closely followed by maize and beans were the principal sources of monetary income and capital that was invested in on- and off-farm enterprises leading to economic growth. The dairy industry competed favorably with these cereals partly because of the aforementioned climatic and ecological setbacks working against maize cultivation in this area. We noted that Mautuma scheme lies in a geographical area very prone to heavy rainstorms and hailstones that often caused soil nutrient degradation and the destruction of the maize plants respectively.

An additional militating factor was caused by the fact that many new settlers were more accustomed to their indigenous quick-ripening maize species widely cultivated back in their original homelands. Comparatively, indigenous species needed less technological input and attention with regard to aspects such as land preparation; mode of planting; the use of fertilizers; weeding, and top-dressing. In most instances, this maize took a period of 5-6 months to reach maturity and ready for harvesting. In fact, a good number of the new settlers came from ecological areas in Western Kenya where there were two maize crops planted in a year. This was in sharp contrast to new hybrid maize recommended for cultivation in the settlement schemes. This species required more intensive care at all stages in the cultivation cycle and took 9-10 months to reach harvesting stage. For instance, while the indigenous maize species could do well with one episode of weeding, the new hybrid maize required two rounds of weeding. Therefore, it is understandable that many new settlers tended to become comparatively "impatient" with the new species due to its long maturation period!

Given the foregoing therefore, it was rational for the farmers to attempt to balance investing their time and resources between the dairy and maize sectors. The dairy industry was more appealing to the new settlers because they could see the returns on their labor and financial input almost instantaneously. But this does not mean maize was neglected or abandoned altogether – indeed, dairy farming and maize cultivation were the two principal farming activities carried out by all the farmers. In spite of the aforementioned disadvantages precipitated by climatic conditions, many farmers made huge capital investments whenever they had a good maize yield because this always brought in a large amount of monetary capital at ago after selling the crop.

In addition, milk was also a source of high and steady income that could be accumulated over a short period of time in contrast to maize that took almost a whole year to bring in income. Further, most of the leading dairy farmers tended to invest heavily in this sector because of the comparatively lower risk level compared to maize. The pragmatics of farming in such a challenging environment influenced such investment decisions. It was understandable that while many farmers could treat their sick dairy cow and regain milk productivity, the destructive hailstones and windy rainstorms that flattened maize in the fields to the ground gave the farmers no second chance of recovery.

Similarly, the unexpected heavy rains during harvest times that resulted in maize decaying due to wetness hardly gave farmers a chance to salvage their year's toil in the fields. Thus, the tendency to invest slightly more in the dairy business made good economic sense. The early gains from the sale of milk by farmers were mainly re-

invested in the industry with the technical assistance and advice of the local agricultural extension field staff and office of the District Livestock Development Officer (DLDO). In the same vein, many settlers relied on the assistance of the DLDO and other field officers to access high quality dairy cows to boost their family herd.

7.3 Aspects of Economic Change: The Case of Lumakanda Settlers

As discussed elsewhere in this study, the pace of establishing and developing agricultural production activities in Lumakanda settlement scheme took a slightly different trajectory from that in Mautuma and Lugari. Situated next to a major road and rail transport network, the comparatively more dynamic settlers in Lumakanda had a fairly better path towards attaining higher levels of agricultural production. Comprising of mainly of junior and middle cadre civil servants; teachers; small-scale traders; dislocated Kikuyu families from the Central and Rift Valley provinces, and ex-squatters evicted from European settler and government land, this new group of settlers was very dynamic in its outlook.

Unlike their counterparts in Mautuma scheme and possessing larger units of land per household, the settlers in Lumakanda quickly embraced the new livestock husbandry and farming skills on their new plots. It is discernible that some of them exploited knowledge gained by interacting with the adjacent settler sector in Uasin Gishu and Trans Nzoia Districts to improve their new farming activities. There was a lot of movement of ideas and innovations from the settler farms to the settlement schemes especially with regard to aspects such as dairy livestock inoculation; feeding; cross breeding and milking hygiene and milk preservation. In addition, these settlers had the advantage of being close to the

agricultural extension services for the Division whose headquarters were established right in heart of the scheme. A comprehensive discussion of this process is outside the ambit of this study. However, what is most significant at this stage is to locate the role of farming entrepreneurship in the process of economic change witnessed in this area.

During the late 1960s to the early 1970's and encouraged by higher producer prices and favorable climatic conditions, dairy and grain farming witnessed a substantive expansion. Buoyed by security of tenure in land embedded in individual ownership and title deed, many settlers sought seasonal and annual development loans to invest in farming. In Lumakanda scheme this expansion was augmented by the willingness by farmers to re-invest in diverse farming enterprises and to expand into non-farm commercial activities encasing retail trade and transport business. That this period was one of increased income from farming is also based on the fact that the majority of farmers who acquired various assets such as tractors with plow, planters and harrows; more land, cars, pick-up trucks, and lorries for transportation business did so during this period. Further, the settlers who succeeded in establishing different types of off-farm investments such as operating local passenger transport businesses (Matatu); retail business/shops; butcheries (i.e. meat shops); local hotel and bar business also did so during this period. Besides the acquisition of material possessions in life, the period also witnessed a marked improvement in the overall quality of lifestyles of the settlers. A look at the list of the items in Table 10 below that the Lumakanda farmers started acquiring during the first phase of attaining progress reveals a striking similarity with the experience in Mautuma scheme.

Table 10 Items acquired by settlers in Lumakanda scheme, 1970-80

	Item Acquired	Participating Households	Participating Households as % of sample
1	Hoe(s)	40	100
2	Livestock harnessing ropes	40	100
3	Milking Vessels	40	100
4	Hammer	38	95.0
5	Bicycle	36	90.0
6	Cutlass (Panga)	35	87.5
7	Chimney Glass Lamp	35	87.5
8	Barbed Wire	32	80.0
9	Iron sheet roofing	28	70.0
10	Retail Business (shops, hotels, bars, maize-milling, meat shops)	18	45.0
11	Wheelbarrow	16	40.0
12	Fencing wire tightening tool	15	37.5
13	Water well	14	35.0
14	Public Transport/passenger vehicle	5	12.5
15	Pick-up truck	6	15.0
16	Tractor & Plough	6	15.0
17	Family Automobile	3	7.5
18	Tractor + Planter	3	7.5
19	Tractor + Harrow	2	5.0
20	Lorry	2	5.0

Source: Data extracted from information provided by oral respondents.

Of the sampled respondents in Lumakanda scheme, 80% stated that they first bought basic items such as, barbed wire for fencing[9] off their farms (including crop fields and dairy herds) from outside agents. Due to the rapid spread of tick-borne diseases and the resultant high mortality rate among the dairy cows, effective fencing of one's plot was

[9] Many settlers chose to use the barbed wire for fencing their farms instead of sisal plants because of the wide belief that sisal tends to cause soil and/or ecological degradation

highly emphasized.[10] The fencing also played a key role in protecting the livestock against stock theft, in particular cattle rustlers.

Next, the settlers bought the usual range of farm tools- hammers, hoes, nails, and cutlasses, followed by bicycles and wheelbarrows before they moved to higher-level capital goods such as cars and tractors. From the table it can be discerned that all the households in the sample purchased basic farm tools such as hoes, cutlasses, and ropes for harnessing and/or tethering livestock. This study was struck by the fact that all the farmers also purchased milking vessels – both the pails for milking and the metal cans for transporting the milk to the collection centers. That each household possessed these dairy items reflects the heavy emphasis placed on such aspects by the livestock and ministry officials. Closely related to this, the rapid acquisition of bicycles was necessitated by the heavy tasks of transporting milk to collection centers and of other farm requirements and materials such as fencing materials, nails, fertilizers, top-dressing supplies, pesticides, fungicides and so on.

The transition towards the acquisition of higher-level capital goods was done almost simultaneously with changing the roofing material of their houses from grass thatching to iron sheets. It was virtually unanimously agreed among oral respondents that no one could claim any respectable status in the community if his family still lived in a grass-thatched house. Grass-thatched houses were synonymous with the "old" village lifestyle, which was generally considered to be less dynamic than the one in the settlement

[10] It is conceivable that since all settlers were required to fence their plots, those unable to purchase barbed wire used sisal plants. The high cost of barbed wire must have worked against those settlers will less capital outlay to spend on such needs.

schemes. Thus, if anyone wanted to belong to the "Club" of those who were 'progress-minded,' then possessing an iron sheet roofed house was not an option but a requirement. However, in spite of this emphasis, just about three-quarters of the settlers were able to the grass thatches with iron sheets during the first phase of the settlement period. This appears to be on the lower side especially given that of the sample, 87.5% had a chimney glass lamp, which was more often than not closely associated with the transition from grass thatched to iron sheet roofed houses![11]

Another indicator of having attained 'progress' was the digging of a private water-well for domestic use and watering livestock. Due to lack of clean, piped water, the digging of a borehole was considered as one to the most important hallmarks of a family's attainment of "maendeleo" (i.e. 'progress' in the national Swahili language.)[12] It is significant to note the heavy emphasis placed on the possession of a house with iron sheet roofing and a water-well as markers of 'progress' (development.) For one to be a characterized a 'progressive' person, he had to demonstrate the possession of these aspects alongside sending their children to school. The settlers often competed in trying to outdo each other in attaining these indices of development.

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[11] It is most probable that the lower representation of the number of households with iron sheets is due to the fact that not all households replaced the grass thatches on all the houses in the homestead simultaneously. In most cases, the family's main house was the first, followed by the other houses in order of importance with the kitchen being the last in the line. Thus, a home with two of the four houses under iron sheets and the other under grass thatches would likely bring down the percentage ratio.

[12] During the late 1960's to the 1970's, there was great emphasis by the government for Kenyan farmers to attain higher levels of economic development and/or progress. The local Swahili term for economic development "maendeleo" became the identification mark in determining the "hardworking", progress-minded settlers and those in the opposite bracket.

By 1973 for instance, of the 40 households sampled in our fieldwork survey, while 90% had purchased new bicycles (principally for transporting milk to the collection center), 70% stated that they had replaced the grass-thatched roofs with iron sheets using income from both milk and maize. This shows that the process of acquiring different household goods varied across the households. Surprisingly, only 35% (i.e. less than half of the sample) had operational boreholes for the supply of water.[13] Though the digging of a borehole was perceived as one of the major hallmarks of development, it was, never the less a high level capital undertaking. Thus, the low representation of households with operational boreholes reflects lack of adequate capital resources to dig one.

The were more farmers in Lumakanda that attained the next level of buying higher capital goods such as farm machinery and other indicators of progress in contrast to those in Mautuma and Lugari. By 1980, a total of 18 households in the sample had invested income from farming in off-farm business enterprises such as retail shops, bars, hotels, meat shops (locally known as butcheries), and maize milling. A smaller portion 7.5% had purchased automobiles for a variety of transportation business while another 7.5% had purchased tractors. Of this figure, 5.0% did so using income directly from their dairy and maize sales while the remaining 2.5% used non-farm financial assets and resources either as down payment and/or collateral for loans from various financial institutions. This category included teachers and civil servants who used their Savings and Credit Co-

[13] There is a degree of overlapping with regard to the data on the total number of wells dug for the supply of water. The total figure obtained in field data is higher than the true number of operational wells. This is due to the fact many farmers were forced to dig more than one borehole when the previous one dried up or got contaminated beyond salvage.

operative (SACCO) membership shares to process loans to purchase such high capital investments.

In some instances, some farmers were able to raise a substantial amount of money in the form of short and long-term development loans from the government in commensurate with the sizes of their plots. But such were less than the norm, especially given that of the sampled respondents, less than 10% owned any of the high capital goods or investment. Only 12.5% owned either family cars or public transport vehicles while 15% or six out of the 40 sample owned pick-up trucks or a tractor with a plough. While 7.5% owned a tractor with a planter, a smaller proportion – 5.0% owned a tractor with a harrow. Like in the case of other high capital investment aspects mentioned above, the overall low presence of tractor ownership reflects low capital endowment among the settlers.

Oral sources were emphatic that one of the factors that contributed to acceleration in the rate at which the new settlers expanded their new farming activities with zeal was the strong feeling of being in full control of one's destiny on the plot. It is argued that the settlers enjoyed a higher level of security of tenure in regard to the new system of land ownership under individual tenure and title deed. This was very much unlike what the situation obtained in the villages on family lands where one could not make full independent decisions regarding how and where to farm without the involvement of the wider family or clan members. As one of the key respondents put it in the following verbatim translation:

> "There was nothing as good as being allocated your own individual plot in the schemes, especially for those of us who came from the overcrowded

> families and villages in the reserves. You know back at home in the village, you had your own piece of land that you cultivated with your wife and children but this land did not belong to you completely. You could not for instance, sell or exchange it or use it to get a loan to develop other economic activities because all the land in the family belonged to everyone in the family, even the ones still in the wombs of their unmarried mothers. That is why you had always to consult the family elders if you wanted to do something new with your portion of land. But in the schemes, things are different. You are given your plot of land and it is yours completely. You can keep as many cows as you want. You can also grow whichever crops you want. You can use it to get a loan to buy cows or to start other business according to your abilities. You do not have to assemble your entire lineage to agree with you about such things. For example, when I came here to the (settlement) scheme, I decided to cultivate maize, beans and sunflower on my plot but after a few years, I stopped growing sunflower because it was losing market and put all my land under maize. I also maintained the dairy cows we were given very well. Farming was very good at that time. That is why we became prosperous so quickly when we came to the schemes."[14]

This exposition paints a whole new socio-economic world with regard to the experience with the new system of land ownership the settlers felt in moving to the settlement schemes. It highlights some of the aspects engrained in the indigenous system of land ownership that might have acted as a retard towards individual initiative to experiment with different land use types and agricultural innovations on the family lands. The "freedom" expressed by this oral respondent suggests that the schemes provided not only full access to individual land but an opportunity to try out different on-farm production activities. Such on-farm experimentation activities among smallholder farmers have been known to result in improved farming skills, land use capacity and productivity.

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[14] Translated verbatim from the oral testimony of Jairus Inanga, OI, Makutano, Mautuma, December 2004. A few other original settlers interviewed by this study including Bernard Ingasia and George Muruli Murumbutsa, OI, Makutano, Mautuma, 2004, also echoed these views.

7.4 Growth in Retail Trade and Transportation Services

Besides the acquisition of material possessions to improve the quality of life of the settler families, other important aspects of economic change in the settlement schemes was the growth in retail trade and transportation business. While the development of retail trade in Mautuma scheme virtually started from the grassroots, that in Lumakanda scheme was more or less an offshoot of similar developments in the nearby Turbo and Kipkarren River townships. This was largely due to the proximity of the settlement scheme to these trading centers. Another inducing factor was that trading space was readily available for those intending to enter business. This is because the physical plan and land use layout of each settlement scheme provided for public areas designated for the development of among other things, a shopping center to serve the farmers.

The area earmarked for the shopping center was always located in the central part of the scheme.[15] In all the schemes, the area reserved for shops, schools, playgrounds, a health center and other social amenities was located adjacent to that reserved for the establishment of premises for a farmers' co-operative society. Such land was always surveyed in advance and infrastructure facilities such as roads, pathways, parking lots, playgrounds, drainage tunnels and so on patterned out.[16] This setting encouraged the concentration and centralization of services, which in turn stimulated rapid growth in local business enterprises. Thus, for the new settlers who wished to enter trade and other

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[15] In all settlement schemes, the areas earmarked for such facilities were always referred to as the "Center" before they adopted their true names. In Mautuma scheme, the center was at Makutano; in Lugari, at Lugari Station while in Lumakanda at Lumakanda Headquarters. The same applied to other schemes in the District with that of Sergoit Scheme being at "Center" before adopting its real name, Seregeya.

[16] This was meant to ensure that there was no conflict in purpose by, say, having a school being located amidst distractive things such as noisy bars and so on.

complementary economic activities, the general infrastructure had already been put in place.

The first retail shops were established shortly after the settlers arrived in Mautuma. Oral sources emphasized that the first wave of economic change in the area was witnessed in the spheres of small-scale retail trade and transportation. Due to the remote location of the scheme away from the nearest major road transport and trading centers, the first generation of enterprising farmers set up small retail shops selling basic consumer goods. Those without adequate capital resources erected stalls under the shades of trees and sold their wares to clients in these open-air stalls often built under the shades of big trees. Some of the leading retail trade entrepreneurs had previous experience engaging in similar activities back in the villages. This therefore suggests that some settlers exploited their prior knowledge in small-scale trade to establish new retail business in the settlement schemes.

The shops and open-air market stalls were the principal sources of basic needs for the new settlers such as clothes, knives, soap, sugar, salt, cooking oil, matches, cigarettes, tobacco, milking jelly, and kerosene for lighting. The shops also stocked essential farm equipment and tools such as digging hoes, forked hoes, cutting blades (cutlasses), cattle feeds, hammers, nails, roofing and fencing material. Spare parts for bicycles were also sold in most of these shops. Non-prescription medication for the treatment of common illness such as headache, malaria, flu or cold, stomachache, diarrhea, and for dressing open wounds comprised part of the therapeutic merchandise here. In addition to

manufactured and processed goods, these businesses also sold on the side perishable farm produce like eggs, sugar cane, sweet potatoes, cassava, vegetables, onions, and tomatoes. Most of these small shops were semi-permanent buildings constructed with iron sheet roofing and mud walls and floors, maintained by regular sweeping and smearing layers of cow dung. With time, the walls and floors were plastered with a mixture of cement and sand to make them more durable.

Closely linked to the retail shops was the business of grinding maize into cornmeal flour. This was one of the most lucrative businesses with assured income. Like in their original homes in Bunyore and Maragoli locations, the staple foodstuff of the new settlers was cornmeal.[17] To maximize the efficient running of the maize meal grinding mills, the proprietors opened them to business on certain alternating days of the week. For instance, if say, the cornmeal flour mills were open for business on Wednesdays, Fridays and Saturdays at Makutano trading center, those at Lugari Station trading center would be open on Mondays, Tuesdays and Sundays. Even when scheduled this way, the grinding mills did not run the entire day, operating mostly from around 11am to 7pm.[18]

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[17] During those early days, pre-packed cornmeal flour was only available in major shopping centers and in any case, it was not (and has never been) preferred by the farmers over the locally ground flour.

[18] The business of going to grind one's corn into cornmeal was often a tedious and meticulous one. To begin with, all the corn had to be thoroughly winnowed to remove dust and small particles. It was also thoroughly checked to ensure no metal parts or things such as nails were present. Such metal parts not only destroyed parts of the grinding lever system but also perforated the sieve making both the clean flour and dirt to mix. Such flour would not be fit for human consumption and would instead be turned into cow feed. A client who caused this type of damage was often requited to pay for the damage (which was far beyond the financial capacity of the settlers.) If all was fine, the farmer would still have to stand in line with his corn till the mill was started and once the last corn on the line was ground, the engine would be put off till a sizeable clientele lined up again and the prices would start all over again!

Though simple in structure, these early trading centers played a very significant role in helping the new settlers adjust to their new social, economic and cultural environment. With time, other businesses also sprung up at the shopping centers especially those selling alcohol and foodstuffs. One of the pioneering traders at Makutano shopping center, Mr. Joel Inanga opened the first bar on the market selling alcohol. Next to the bar he built a small restaurant serving mainly local foods such as mutton, goat meat, chicken, beef stew, rice, cornmeal, beans, tea, bread, buns, and cakes and so on. In some instances, special foods such as porridge prepared from finger millet flour were also served. He invited his brother who had remained back in the village in Bunyore location to come and establish a butchery (meat shop) at the shopping center.

Alongside the development of small-scale retail business was the aspect of transportation. As noted above, Mautuma scheme was located far away from the main means of transport and communication. This precipitated serious problems of transportation especially in terms of moving passengers, farm inputs, commodities, and farm produce. There were just a handful of established commercial transport businesses and traders from distant places such as Turbo Township and Kipkarren River who operated very limited transport services in this area in the form of pick-up trucks for hire. The pick-ups were hired by farmers to transport bulk items such as fertilizers, maize seeds and top-dressing supplies from the major outlets and depots to the farms. During harvest times, the vehicles were hired to come in and transport the harvest to the marketing outlets such as the Maize and Produce Board stores at Lugari Station, Kipkarren River and Turbo Townships.

Unfortunately, there was no regular or locally available means of transport when the new settlers needed it. It was difficult to rely on the service of these entrepreneurs who were situated far away from Mautuma. But the lack of means of transportation was not just limited to the aspect of carrying goods to and fro the settlement scheme. As evident from the overall transport and communication conditions, there was hardly any reliable passenger transport service between Mautuma and the other major trading centers in the proximity of the settlement schemes and the outlying areas. In fact, there were occasions when the new settlers had to walk the long distance from Turbo and other trading centers on the main Eldoret-Bungoma highway to their new homes in Mautuma owing to lack of passenger services.[19]

The hardships experienced by the new settlers in regard to transportation encouraged the leading entrepreneurs to invest in passenger transport business. But it all began with the basics. From the start, many families worked hard to buy a bicycle. To this day, bicycles have provided one of the most critical means of transportation to the rural population not only in Kenya but also the rest of Africa and the Third World. Most of the bicycles purchased were the heavy-duty type with a carrier-rack at the back for transporting goods or a rider passenger.[20] The bicycle became the farmers' indispensable workhorse. First, it

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[19] Traveling to Mautuma was always a difficult task. Some people traveling in from the west in Bungoma district across the River Nzoia used to walk as far away as the road junction at Mfupi on the main Kitale-Webuye road. Or if lucky to hitchhike a ride atop a lorry or pick up truck from Mfupi to Naitiri, they would walk from here to Makutano trading center. Makutano trading center is located on the murram road linking Turbo, Makutano, Naitiri and Mfupi. Later, this road was served by a single bus plying once a day between Bungoma and Eldoret via Kimilili Town belonging to Mawingo Bus Company. This company was one of the earliest successful indigenous passenger transport bus business in Kenya.

[20] Bicycle as a mode of transport has become very prominent in many parts of Western and Nyanza provinces of Kenya. Nicknamed "Boda-Boda", the bicycle has virtually become the principal mode of transporting passengers and goods in rural and peri-urban areas of Kenya. It has now spread to many parts of the country such as the Central and Rift Valley provinces. The name Boda-Boda comes from the

provided a flexible and readily available means of transportation to run errands and to carry out day-to-day mundane duties like household grocery shopping. Second, the bicycle played an important role in transporting semi-bulky consumer goods from the trading centers to the home and especially maize (corn) to the mill and the cornmeal flour back home.

In addition to the foregoing, the delivery of farm produce such as milk, vegetables, fruits, and poultry products to the market was mainly done by bicycle as was the transportation of farm inputs such as maize seeds, fertilizers and top-dressing inputs from the depot to the farm. The bicycle also became an essential means of transporting family members to health centers when they fell sick. The most common health problem affecting the new settler families was malaria. Indeed it is difficult to exhaust effectively the list of things the bicycle accomplished among the new settlers during this nascent phase of settling down on their new pieces of land.

Though the bicycle played such diverse roles in the sphere of transportation among the new settlers, it should be mentioned that there were certain inescapable limitations with regard to the extent to which this mode of transport could be utilized. The most retrogressive setback was frequent breakdown due to the rough road surfaces. The bicycle tires were very prone to having punctures, a major inconvenience if this occurred while transporting goods or rider passenger. In addition to the problem of punctures, another major limitation was that the bicycle relies on human power to peddle it and thus

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initial practice where individuals hired bicycles to help them cross the border between Kenya and Uganda. Often this service was sought to provide safe passage of contraband goods and traders.

climbing hills with heavy luggage or with a rider passenger was difficult. Further, the slippery and muddy road conditions, like the rural access paths, often made it impossible to use the bicycle in these areas under such circumstances.

In spite of these shortcomings, the bicycle remained perhaps the most cherished friend to the farmers and traders alike. However, as the nascent trading and farming businesses expanded, the bicycle increasingly fell short of the tasks needed to service the economy. Given the limited amount of goods a bicycle can carry, it became difficult to transport heavy and bulky commodities and produce such as sugar and maize respectively using the bicycle. This situation made the enterprising traders and settlers to move to the next level of means of transport in the form of motorcycles and pick up trucks.

During the first phase of the 1970's decade, there was a widespread trend for traders and farmers to buy motorbikes.[21] Of course these motorbikes significantly improved the movement of individuals to various points. School teachers, junior and middle cadre civil servants and local traders comprised the pioneering class of motorcycle owners in Lugari Division. However, like bicycles, the motorcycles were difficult to use on the muddy roads and also had a limited carrying capacity. Thus, they fell short on meeting the overall needs of the wider transportation economy.

Comparatively, there were more individuals who purchased pick-up trucks than those who bought motorbikes. Pick-up trucks were rapidly embraced as the most viable means

[21] The most preferred model was the Honda 75cc, said to be highly valued for its versatility, fuel economy and ease of operation. Later, new models like Suzuki also became competitive on the market.

of moving goods and people, gradually succeeding the era of the bicycle.[22] Pick-up vehicles gained momentum because they doubled up as the principal mode of travel for passengers and also for transporting farm inputs and produce to the various marketing centers. According to oral respondents, the most preferred pick-up truck makes were Mazda, Datsun (later, Nissan), Toyota and the Peugeot 404 pick-up.[23] The pioneering farmer-trader families to buy these pick-up trucks often ferried bulk commodities such as sugar and farm in puts from the major trading centers with passengers virtually perched atop the goods. Among the pioneering farmer-trader families was that of Javan Inanga mentioned above. His family purchased a new Mazda pick up truck and also owned an enterprising retail shop at Turbo Township. He was hired by a wide clientele of farmers and traders all over the Division, from Lugari to Lumakanda, Chekalini and as far as Soy, Sergoit and Sango settlement schemes in Likuyani Division of Lugari District. He was among the leading entrepreneurs throughout this period and the family business continued to flourish till the mid 1980's when it declined.

Two other families from the scheme also purchased used pick-up trucks from the East African Tanning and Extract Company (EATEC).[24] These families used these trucks to

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[22] There is a very interesting intersecting linkage between the first group of small-scale retail traders and the first generation of proprietors of commercial transport business in Mautuma. Field research data shows that the settlers who set the pace in dairy and maize cultivation were also the first to establish off-farm business enterprises such as retail shops and then they went on to buy pick up trucks and so on.

[23] The French-made Peugeot saloon cars and pick-up trucks competed favorably with Japanese Mazda, Datsun (later, Nissan) and Toyota makes both for the family, passenger and transport market. Throughout our study period, the Peugeot 404 and its complementing competitor, the Peugeot 504 pick-up and sedan car makes remained the most versatile pick-up vehicles both in terms of transporting goods and passengers. These French-made models competed fiercely for the auto market with the mentioned leading Japanese auto makes.

[24] The East African Tanning and Extract Company was a large Multi-National concern involved in the production of wattle tress whose bark was extracted for the manufacture of a wide range of domestic and

serve the needs of their farming and trading business. For instance, these trucks were commonly used to transport bulky consumer goods from the wholesale stores at Turbo Township and once in a while, as far away as Eldoret to Mautuma. Other traders and farmers also hired these trucks to transport a variety of goods and commodities.[25] Similarly, a few farmers used income from farming to purchase tractors from this company. Such enterprising farmers and farmer-traders started off by buying used tractors from the company before graduating to purchasing new tractors.

After operating open pick-up trucks for some time, the leading entrepreneurial farmer-traders went a step further and converted some of their trucks into the much-famed "Matatu"[26] passenger vehicles. The vehicles had a passenger body built on the truck and a carrier on top for ferrying luggage and commodities. These "convertible" trucks played a crucial role in providing the only means of transport and hence linkage between the rural dwellers and the bigger towns such as Eldoret and Kakamega. Their role became even more crucial as increasing number of civil servants and traders in the area now required regular transportation service. The market-women trading in rare delicacies such as fish and indigenous vegetables needed regular transport to travel to Kisumu and

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industrial products. The Company had some of the largest commercial tree plantations in East Africa covering almost half the total area of the present Lugari District.

[25] The long trips to Eldoret were usually made at month-end due to the added business of transporting people going to the Banks and to make huge purchases. Important materials unavailable in smaller Trading centers such as cloth to make school uniforms, school shoes, farm equipment, and spare parts for bicycles, wheelbarrows, and motorcars were usually purchased in Eldoret: Such trips were planned meticulously to maximize the purposes.

[26] The name "matatu" refers to pick-up trucks that are converted into passenger vehicles in Kenya (and some parts of East Africa). However, some matatus comprise of pre-fabricated vans and mini-buses designed for urban and rural passenger transport business. It is said that the name "Matatu", referring to the numeral 3 originated in Nairobi during the colonial period when public passenger vehicles serving mainly the African residential areas charged a flat rate of 30 cents for a full one-way ride. The word has become synonymous with public service vehicles industry in Kenya to date.

Kakamega towns to buy these commodities. Retail traders and farmers also needed the services to travel to the government administrative offices at Kakamega to transact business and so on.

Civil servants and other government employees traveled regularly to the then district administrative headquarters in Kakamega to get their salary and attend to official government business. One of the oral respondents[27] then a prominent civil servant with a medium sized retail shop at Makutano shopping center in Mautuma scheme rekindled the memories of using these passenger vehicles for travel in the early 1970s in verbatim:

> "If you were a government civil servant or a teacher, the most anxious time of your stay in Mautuma came at the end of the month when you had to travel to Kakamega to the bank or to the District Cashier's office to get your monthly salary. The preparations for the payday were very intense. It all started with going to bed early on the night before and waking up at 4am to start preparations for the journey. One would leave the house at 5am in time to get the first (that is, if one was lucky) or the second "Matatu" leaving the local trading center at Makutano headed for Turbo on the main Eldoret-Kakamega road. The 15-mile ride on the often muddy, slippery and bumpy road would last anything from 35 minutes to more than an hour depending on the condition of the road. Once you reached Turbo, you alighted and waited for the early "matatus" from Eldoret and other places headed for Kakamega and Kisumu. At month end, there used to be briskly business and thus, the Matatus would be overcrowded and stop virtually at all bus stops to pick or drop some passengers. At times it could take even up to 2 hours to travel the 65 miles from Turbo to Kakamega. Of course, a lot of time was also wasted on haggling over fares between the Matatu crew and the passengers out to make save by calling for lower charges. After getting the salary, one had to rush back to the bus station to try and get the last few matatus heading back to Turbo to avoid missing transportation back home. Those who missed the last vehicle back home had to contend with spending the night in a bar or hotel to catch the next day's transport back home."[28]

[27] Jairus Inanga, OI Makutano, Mautuma, December 2004.

[28] This verbatim account was given by Yohanna Ambetsa, a retired elementary school teacher and farmer, OI, Mautuma, November 2004.

On the whole, it was an uphill task to start, develop and expand retail and transport business in the settlement schemes because partly due to the low level of monetary capital endowment among the new settlers and partly due to the low level of infrastructure development. But all was not lost because the most profitable trade involved basic goods that most settlers had to purchase from the new retail outlets. The gradual increase in milk productivity and the growth in complementary income generating activities also helped to bring in more money that boosted this nascent retail business. This in turn supported the growth of passenger transport business. As it were, the growth in commerce and the increase in income from agricultural activities partly contributed to the increase in the circulation of money, which in turn played an integral part in the emerging market in land. It is to this aspect that we now turn our attention.

7.5 The Development of a "Free" Market in Land in Lugari Division

At a national level, the land market in Kenya has developed rather dramatically in the last two decades. Many parts of rural Kenya continue to witness the trend where smallholder farmers continually subdivide their tiny plots of land both in response to household financial needs and the demand for land by the landless in a free land market economy. A large percentage of the land sales and transfers in the Kenya is from large to small holdings mainly driven by rapid population growth and the resultant increase in the demand for land both for subsistence and residential purposes.[29] Nearly all the major land transfers in the former Scheduled Areas have involved groups of peasants or peasant land buying companies being formed on an *ad hoc* basis solely to purchase large units of land

[29] The World Bank, *Kenya: Poverty Assessment.* (Washington, DC: IBRD/World Bank, March 1995), pp. 54-55.

that are subdivided among the shareholders.[30] Even more dramatic (though debatable) has been the issue as to whether the development of a free market in land is a good trend or not in terms of rural agro-economic development and the attainment of food security for the smallholder farmer. This is especially with regard to the side effects of fragmenting hitherto productive units of land.

While it has been comparatively less litigant to transfer land within the urban centers in Kenya, the opposite has been witnessed in rural areas involving agricultural land. This is more pronounced especially in the former African Reserves where a long line of family descendants may claim inheritance shares in the family land. Research in Nyeri and Kakamega districts has revealed higher incidences of litigation over land transfers as contrasted to the situation in the settlement schemes.[31] Generally, the transfer of agricultural land in Kenya falls broadly into two classifications, i.e. those carried out under the auspices of the public companies and those among individuals and private business concerns. The former falls outside the scope of this study. However, with regard to the latter all the land sales in the sampled households in Lugari Division are carried out at the individual level. Even when land or "estate" brokers are involved, usually it takes the negotiations on a one-to-one basis with the presence of witness on either side of the transaction.

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[30] The World Bank, *Kenya: Poverty Assessment*,....1995, p. 55

[31] Frank Place & Migot-Adholla, S. E. "The Economic Effects of Land Registration on Smallholder Farms in Kenya: Evidence from Nyeri and Kakamega Districts", in *Land Economics,* Vol. 74, No. 3. (Aug., 1998), p. 365.

While the development of a free market in land in the rural areas may be an indicator of a good economic trend in some quarters, the resulting individual household landholding figures in our area of study show a trend where access to land per capita is declining to crisis levels. For instance, though the *Lugari District Development Plan, 2002-2008*[32] states that the average landholding per household is 5 ha (based on computation drawn from the previous data on Kakamega District), the reality is that a large proportion of the population in Lugari Division have less than 0.5 ha of land, which is far less than the official smallest average figure of 2.10 ha given by the same Plan![33]

However, a more accurate picture of the real landholding capacity per household and per individual in the Division (and the rest of the District) can be seen from the CBS 1999 population census data. Table 11 below shows the average land area available per division and Household in Lugari District based on the 1999 population census data. From the table, it can be deduced that of the three administrative Divisions of Lugari District, Likuyani Location in Likuyani Division had the highest ratio of landholding at 3.4ha per household and 0.34ha per individual. This is due to the fact that most of the settlement schemes in this Division have a higher acreage per household in contrast to those in Lumakanda. Second to Likuyani is Lumakanda Location in Lugari Division that had an average of 1.0ha per household and 0.2ha per individual. Matete Division, the last

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[32] Republic of Kenya, Ministry of Finance and Planning, *Lugari District Development Plan, 2002-2008.* (Nairobi: Ministry of Finance and Planning, Government Printer, 2002), p. 4.

[33] The official data on landholding sizes in Lugari District in particular and Kakamega District/Western Province as a whole is not reliable. This is because there is a very huge discrepancy between the official data showing land-holding sizes per household at the former Kakamega District level and the real situation on the ground.

Table 11 Land Area Available per Division and Household in Lugari District, 2000.

Location/ Division without townships	In '00 ha = sq km					In ha	
	Area total (census 1999)	Non Agricultural land			Agricultural land	Agricultural land per	
		Unsuitable steep slopes	Forest reserve, lakes, swamps	Others (roads, homesteads, rivers)		household	Person
Likuyani Division						2.4	0.3
Nzoia Location	6500	33	946	187	6523	1.78	0.19
Sinoko Location	5100	30	860	170	5932	1.98	0.24
Kongoni Location	8600	45	1290	255	8895	2.1	0.2
Likuyani Location	**10600**	52	**1720**	**368**	**11860**	**3.4**	**0.34**
Lugari Division							
Mautuma Location	19571	1.5	7	8	67.1	1.9	0.3
Lumakanda Location	**23261**	1	4.3	**6**	**48**	**1**	**0.2**
Chekalini Location	15252	0.5	3	5	33.7	1.2	0.2
Lugari Location	22048	1	8	6	66.2	1.6	0.3
Matete Division							
Luandeti Location	**44578**	250	50	500	3500	0.95	0.096
Chevaywa Location		255	140	605	4800	0.958	0.12
Total rural area	**155510**	**669**	**5028.3**	**2110**	**41725**		

Source: Table adapted and modified from GTZ Farm Management Handbook of Kenya Revision Project by Ministry of Agriculture and GTZ, Nairobi/Eschborn. Book Project Editors: Jaetzold, R. and Schmidt, H. Data based on Central Bureau of Statistics, *Kenya Population Census*, 1999, Kakamega District.

and smallest in geographical area had an average of 0.95ha of land per household and 0.096ha per individual.

This landholding data and pattern suggests that on the whole, the total amount of land available per household and per individual is far much lower than the official government figures of 5.0 and 2.10ha respectively. This is very important because most rural land use and economic development programs are usually based on farm sizes and household landholding capacity. The government or other agencies could be emphasizing certain agriculture-based rural economic development programs based on the premise that the population has access to a given amount of land when this is not true. Thus, it is probable that certain rural development programs might not be effective due to such discrepancies. This situation calls for further review of the relationship between the system of land ownership and the role of a free market in land in relation to rural-based economic development programs pegged to household landholding capacity.

Though outside the ambit of this study, the relationship between the operations of a free (rural) market in land and the resultant changing patterns in access to land by households is, never-the-less an important component of the changing system of land ownership in our area of study. This is especially in the case where the livelihoods of such households heavily depend on various on-farm activities. In fact research by T. S. Jayne et al[34] shows that the rapid decline in the amount of landholding per capita is gravely impacting on the capacity and capability of smallholder households to adopt effective pathways out of

[34] See Thomas S. Jayne, et al "Smallholder Income Distribution and Land in Africa: Implications for Poverty Reduction Strategies, 2003" *Food Policy*, No. 28, (2003), pp. 253-275.

poverty. This is due to the fact that most smallholder rural farming households rely heavily on both farm output and on-farm investments to generate income to propel them out of poverty.

The system of land ownership and the modalities of land sales or transfer in most of rural Kenya are directly linked to the Agricultural Act (Cap 318) and the Land Control Act (Cap 302) of the laws of Kenya. The Agriculture Act was formulated with the principal objective of providing an enabling environment to stimulate the development of agricultural land; to facilitate the promotion and sustenance of stable agriculture, and to ensure that the various agricultural activities do not work against the principles of soil conservation.[35] In order to assist the Ministry of Agriculture achieve these objectives, the Act empowers the Provincial and District Agricultural Committees as the main agents of implementation.

At the local administrative level, the Chief's Authority Act (Cap 128) provides a wide range of interventionist powers in the system of land ownership and land use. The Act for example empowers Chiefs to direct individuals to plant any specified crops for the support of themselves and their families if the area concerned is suffering from or is threatened with a food shortage. The Act also empowers Chiefs to prohibit grazing in areas that are being rehabilitated or have been planted with fodder crops."[36] The Act thus, provides the chiefs with very strong interventionist powers into the system of land use

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[35] For a more concise discussion of these aspects see for instance, Walter Odhiambo and Hezron Nyangito, *Land Laws and Land use in Kenya: Implications for Agricultural Development*: Kenya Institute for Public Policy Research and Analysis (KIPPRA), Nairobi: Kenya 2002. Kenya 2002. KIPPRA Discussion Paper No. 15 pp. 14-15.

[36] Walter Odhiambo and Hezron Nyangito, *Land Laws and Land use in Kenya*....2002, p. 15.

which in turn has a direct bearing on the overall policy framework governing land ownership.

In regard to our theme of study, it is significant to note that together with the mentioned agencies, the Act is empowered to formulate and implement statutory regulations for the utilization, preservation, and development of land under farming. These regulations are meant to ensure that buildings and other non-agricultural establishments do not encroach on farmland. The act is also supposed to oversee the establishment of new settlements and to formulate regulations that govern such settlements in relation to aspects such as determining the crops to be grown; the number and type(s) of livestock to be kept and to ensure that the settlers follow the established agricultural production procedure. Another important provision of the Act is that it empowers the agencies to dispossess land from owners who fail to observe the conservation measures and any other attendant land use directives. These would include for instance, violating crop delivery specifications and land development orders.

On the other hand, the Land Control Act passed at independence in 1963 was designed to regulate and exercise control transactions involving agricultural land. Given the then massive land resettlement program being undertaken under the auspices of the A Million-Acre Settlement scheme program and numerous transactions involving individual or group purchases, it was deemed necessary to have such an act to inject some sanity into the whole scenario. Given the difficulty of monitoring and controlling such sales from the ministry headquarters in Nairobi, the Act made provisions for the creation of Land

Control Boards at the Provincial and District levels. These bodies are charged with the first line of regulating land transfers, especially in ensuring that the aforementioned legal provisions are not violated during the transactions.

The composite law governing land transfers identifies three main transactions that the Boards consider null and void. However, the most relevant to our current point of study is that the Board could reject any proposed transfer or sale of agricultural land if it would result in the sub-division of such land into two or more parcels to be held under separate titles. It is understood that the sub-division would result in smaller and less economically viable units. To cite Walter Odhiambo and Hezron Nyangito:

> "The board's decision on whether to grant or refuse consent to proposed transitions in agricultural land are governed by certain considerations including the impact of the transfer to the economy of the land control, area, the intended use of the transferred land and the nationality of the person receiving the land. These considerations are, from the government's perspective, important in realizing the government's stated objectives of increasing productivity by ensuring economic use of land and also in conservation of land for future production."[37]

The common feature underlying commercial transactions involving land in our area of study –like in all the Million-Acre Settlement schemes in the country – is that all land sales are supposed to be carried out following the laid down procedures under the Land Control Board Act.[38] This Act, passed alongside other legislation mentioned above during the creation of the Million-Acre schemes, prohibits the subdivision and/or sale of the land allocated in the schemes. However, if an individual is to sell land, he is required by the Act to present the proposed sale to the Land Control Board for approval. The

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[37] Walter Odhiambo and Hezron Nyangito, *Land Laws and Land use in Kenya*....2002, p. 16.

[38] For further readings in the Land Act in Kenya with regard to ownership, use and sale of land, see for instance, Walter Odhiambo and Hezron Nyangito. *Land Laws and Land use in Kenya:* ... 2002.

Board is empowered by the provisions in the Act to approve or void any proposed land sales. The provisions in this Act are significant to this study because together with security of tenure embodied by the title deed[39] they are indirectly responsible for the escalating land sales and drastic reduction in household landholding capacity in such rural areas of Kenya as will be discussed below. This widespread trend in the sale of household land is one of the most symbolic manifestations of the changing system of land ownership.

According to the provisions of the Act, there are three main instances under which the Board can reject a proposed land sale. First, the Board can void a proposed sale if the prospective buyer of the land lacks the capability to cultivate the land adequately as provided for in the initial plan by the Settlement Planning Officer. Second, the Board can reject the sale if the potential buyer fails to demonstrate the ability to utilize the land in a profitable manner or the purposes for which it was intended (owing to its nature).

The second instance refers to the situation where the seller holds a piece of agricultural land by virtue of a share in a Company. The Board is empowered to reject the sale if the seller already holds "sufficient" shares in a private company or a co-operative society that owns agricultural land. Similarly, under the same provisions, the Board can reject the proposed sale if such an individual "would, by acquiring the share, be likely to bring about the transfer of the control of the Company or society from one person to another

[39] In Kenya, security of tenure in land as vested in the title deed has been significantly eroded in most parts of the Rift Valle, Western and Nyanza Provinces affected by inter-ethnic conflicts since 1990. Thousands of legal non-Kalenjin landowners who were uprooted in the ethnic violence in the Rift Valley province for instance have never been able to reclaim their lands even when armed with their title deeds. Thus, in such ways, civil strife can destroy the supposed inviolability of the title deed.

and the transfer would be likely to lower the standard of good husbandry on the land."[40] In this instance, the Board is empowered to void the proposed sale if the sale price and the terms or conditions of the transaction are demonstrably unfair or unjust to one of the parties. For example, the Board can reject a sale where a desperate family is asked by a seller to pay excessive price for a piece of land for agricultural utilization. In such cases, the Board would always use the official price guide from the Ministry of Lands and Settlement to determine whether the asking price is acceptable.[41]

Last, the Act empowers the Board to reject certain proposed land sales if the potential buyer already owns sufficient agricultural land while the seller has none and the buyer may, by acquiring more land, result in inequitable access to land between the two parties and their immediate households or dependants. Viewed from a unilinear perspective, it may seem that this law acts against the operation of a free land market. However, this is not the case because the Act was enacted in good faith. The essence of this provision is to avoid wealthy landowners accumulating more land through buying off poorer, smallholder landowners and thus precipitating a situation where there is small class of landed aristocracy and a large class of landless (and thus homeless) citizens.

These legal clauses intended to govern and rationalize the sale of household land do not seem to have had a major impact on restricting the subdivision and sale of agricultural land in Lugari Division. During the last 20 years, the subdivision and sale of land in the

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[40] The World Bank, *Kenya: Poverty Assessment*, (Washington, DC: IBRD/World Bank, March, 1995), p. 57.

[41] From the information gathered through oral interviews on land prices, it seems the demand for land has always outstripped supply, which has had the effect of pushing up the price of land beyond the recommended figure.

schemes has increased rapidly virtually spiraling out of control. Further, as pointed out by the World Bank study on poverty in Kenya,[42] the implementation of the Act has faced enormous challenges because of the vagueness of some of the principal operational terms. For instance, it is difficult to affix a specific value as to what "sufficient agricultural land" really means. Similarly, the other terms such as "sufficient shares" and "markedly" unfair or "disadvantageous" are extremely subjective. This study postulates that the most probable reason behind the disregard of the law forbidding the uneconomic subdivision of household farmland is the lack of political will and poor enforcement of the law on the part of the government. There is hardly any doubt that there is a very high rate of land transfer taking place in the area as evident from the rapid subdivision of farms into smaller parcels.[43]

7.6 Land Sales and Change in the System of Land Ownership in Lugari Division: A Case Study of Lumakanda Settlement Scheme.

The development of a "free" market in land in the rural areas of Kenya during the mid to the late 1970s sparked off a tremendous process of land transfers. The rapidity with which small and large-scale landholders have been selling off portions of their land has precipitated substantial changes in the system and pattern of land ownership. Fieldwork data from this study shows that there were hardly any land sales and/or transfers in the settlement schemes in period prior to the period between 1975 and 1980. In response to

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[42] The World Bank, *Kenya: Poverty Assessment*...1995, p. 5.

[43] Throughout this research, it was extremely hard to get a clear record of the official number of land subdivisions and transfers that have taken place during the study period especially because the Provincial and District Settlement Offices are poorly equipped and run. The offices of the Ministry of Lands and Settlement and of the Director of Settlement program do not keep an updated record of how many proposed land sale requests are passed and how many are rejected. In recent times, following the public inquiries into the illegal allocation of public land, the access to such records at the Ministry of Lands and Settlement (Ardhi House) in Nairobi, access to these vital records has been rescinded by the state.

an inquiry on this aspect, most of the respondents pointed to the fact that during the period prior to 1980, it was very hard to sell land in the schemes because of two main reasons. One, there were very strict regulations governing land ownership under the settlement scheme program. It was virtually impossible to subdivide and sell off a portion of one's plot without all mandated government offices authorizing the transaction.

On the whole therefore, the presence of Settlement Officers and other government officials monitoring land ownership and land use in the settlement schemes during this period made it very hard for the farmers to sell off portions of their plots. During this period, there was strict enforcement of rules regarding the ownership and use of land unlike what has obtained thereafter. The presence of a Farmers' Co-operative Society also acted as a deterrent to selling land. The co-operative society kept strict records of each settler's landholding sizes because this was one of the principal factors used to determine a settler's eligibility for farming development loans and the issuance of farming inputs such as planting seed, fertilizers and so on.

Another important factor is that during the 1970s, farming was generally very profitable and hence, there was less motivation to sale land. The large amounts of maize yields delivered to the Maize and Produce Board[44] alongside the milk delivered to the KCC

[44] The Maize and Produce Board was a government agency formed in 1935 for the purposes of helping European setter farmers market their maize crop through setting competitive producer prices. Later, the Board was converted into a parastatal body. During the 1970's-80's, the name and mandate of this body changed severally going from the Kenya Grain Growers Co-operative Union (KGGCU) to the National Cereals and Produce Board (NCPB). In 1979, the government formed the NCPB by merging the Maize & Produce Board with the Wheat Board of Kenya. "National Cereals and Produce Board (NCPB) by merging the Maize and Produce Board with the Wheat Board of Kenya in order to streamline the management, handling and marketing of all grains. The NCPB Act, Cap.338, that made NCPB a corporate body, was enacted in 1985. Under the Act, the Board was given monopoly powers to purchase,

plant at Eldoret is evidence enough. Thus, for many households, farming was bringing in a high and stable income to meet most of their financial needs unlike what happened thereafter.[45] As the discussion below will demonstrate, many farmers selling of portions of their land cite increasing financial burdens and poor producer prices as principal precipitating factors. Indeed, a majority of oral sources emphasized the comparatively higher profitability in farming during this period that deterred the urge to sale the land. Most settlers took advantage of the high producer prices to increase their income to repay the SFT loans and to invest in both on-farm and off-farm commercial enterprises. Indeed, at this juncture in the history of the settlement program, the settlers could not envisage selling off portions of their land when they still owed huge SFT loans on their plots.

But the apparent "free" market in land has had its undesired effects, among which have been artificially high land prices. In recent years, there have been excessive and spiraling land prices in rural Kenya. Table 12 below shows the average change in the monetary price of land over the last four decades for the case of Lugari Division. From the table it can be seen that over the past two decades or so, the price of land has almost quadrupled from K. shs. 50,000.00 in 1980 to K. shs. 180,000.00 in 2000 per acre. Partly this is due to high economic and socio-cultural value that many Kenyans attach to land and partly due to the over-dependence on farming as the economic mainstay of the households.

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store, market and generally manage cereal grains and other produce in Kenya. As a legal monopoly, NCPB was empowered to regulate and control the collection, movement, storage, sale, purchase, transportation, marketing, processing, distribution, importation, exportation, and supply of maize, wheat and other scheduled agricultural produce under a controlled price system. During this period of monopoly the NCPB worked very closely with other established agricultural institutions to ensure that the needs of the farmers were met. These institutions included the Agricultural Finance Corporation (AFC), which was the main provider of credit and the Kenya Farmers Association (KFA), which was the main provider of farm inputs.

[45] This point was echoed severally by oral sources and especially by one of the leading female smallholder farmers and entrepreneurs, i.e. Grace Sikote, OI, Makunga, Mautuma, December 2004.

Table 12 Average market price of 1.0 acre of land, Lugari Division, 1975-2000*

Year	1975	1980	1985	1990	1995	2000
Avg. price K. shs.	30,000/=	50,000/=	90,000/=	100,000/=	150,000/=	180,000/=
In US$ (2000)	429.00	714.00	1,286/=	1,429.00	2,143.00	2,571.00

*Note: Figures reflect the general land market prices. Higher and lower prices could obtain on either end depending on variables such as the physical condition of the land; location, overall security conditions of the area and other intervening factors.
Source: Data extracted from oral respondents information.

In many instances, land provides the most versatile source of economic security and it still occupies a special place in the minds and socio-economic institutions of many Kenyan communities and individuals. Thus, the multi-faceted value of land attracts the high demand and the resultant over-priced values of land.[46]

The dynamism engrained in the processes of land sale and transfer can be seen from the resulting complexities in multiple layers of land ownership in Lugari Division. The situation is well exemplified among the settlers in Lugari Division. For instance, though a plot of land may have the title deed bearing the name of the original settler, the plot may be subdivided into, say, six portions, a process which is officially recorded as one subdivision transaction. However, if four of the subdivisions are given to sons and the remaining two sold to relatives, the former transaction may appear as four successions

[46] It should be noted however that as of January 2005, the average land prices per acre of prime agricultural land in Lugari District especially that adjacent to or in the vicinity of major trading centers stood at K. shs. 200,000.00 (or US$2,850.00.)

while the last two as "transfers." This system tends to give an incorrect impression of the nature of the process of land transfer because even under a single transaction like the four successions to the sons, the land unit allocated to them does not always remain the same. Sons have been known to subdivide their allocated portions and sell out even smaller patches of land under the now famous "point"[47] system.

From the follow-up discussions with oral respondents, it emerged that most of the transactions involving parceling out and selling such tiny pieces of land are rarely presented to the Land Board for approval as provided for in the Land Acts discussed above. The majority of the buyers also do not seek official land transfer documentations, choosing instead to trust the often hand-written "Land Sale Agreement" as proof of purchase and ownership.[48] Indeed, the most concerning trends in the hitherto high and medium potential agricultural areas of Kenya is the rapid subdivision of farmland into small patches of land measuring mere fractions of an acre and selling them to buyers who are not always necessarily in possession of sufficient capital to maximize productivity from them.

7.7 Land Sales and Changing Household Landholding Patterns

The data on household landholding capacity in Lugari Division collected by this study presents a very serious socio-economic and agrarian situation in such smallholder

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[47] Most of the oral respondents when asked why they were subdividing their land for sale in such tiny portions always insisted that it was due to immense financial stress while others added that they were responding to the call to be *"mindful of other peoples' welfare"* to quote a famous phrase popularized by the then Kenya's ex-president, Daniel T. arap Moi.

[48] In recent times, land sale transactions are usually carried out using a standard format on a typed sheet of paper that is easily photocopied.

settlement scheme areas. The data from Lumakanda scheme is used for illustration purposes because as stated in the introduction to this Chapter, this scheme has three different plot sizes that help act as a control in relation to land size as a variable. Second, there is a very strong similarity between the rate of household land subdivision and sale among the three categories of landholders Lumakanda and in all the settlement schemes in the Division. Thus, it is important to find out if there are any other unique precipitating factors beyond the reasons given by the farmers. The trend shows the settlers in the schemes started selling off portions of their lands from the late 1970's and ballooning out in the 1980s. The trend has been on a sharp increase since then. It is discernible from the fieldwork data that land sales accelerated expeditiously in the 1980's to reach the apex in the post-inter-ethnic civil strife period after 1990/91. Appendix 1 shows the changing total household landholding size and use in Lumakanda scheme between 1965 and 2000.

From the data in Appendix 1, it can be seen that between 1965 and 2000, only one household[49] (or 2.5% of the sample) increased the total household landholding size during the study period. This household purchased 5.0 acres from neighbors to add to the original 15 acres of allocated land bringing the new household land size to 20 acres. Second, while in 1965 there were 8 (or 20%) of the sampled households with portions of their land under fallow, there was none by 2000. Of the remaining households, another 8 (or 20%) did not sell any portion of their household land and thus retained their original

[49] This is household no. 25 in the sample. Incidentally, this household is headed by a widow. She previously worked as an elementary school teacher. This is a very unique case because the common trend in all the sampled areas of all the settlement schemes in the district is for widows and widowers to sell off most of the land either during the ailing or the immediate period following the demise of the spouse.

plot sizes as of the time of carrying out fieldwork for this study. But that is as far as the "good" story can go with regard to the landholding patterns in this area.

As of the time of data collection, a total of 19 households (or 47.5% of the sample) had sold off more than half (i.e. more than 7.0 acres)[50] of their original land size allocated. One of the striking aspects of this category of land owners is that 11 of these 19 households (or 58%) held 5.0 acres or less in 2000. With an average household population size of 8 people in the area of study, this ratio of landholding per household and per individual is extremely inadequate.

Even more serious is the fact that 8 of the 11 households that held less than 5.0 acres in the sample had sold off the rest of their land to more than 5 different buyers, suggesting a high propensity towards fragmentation. This ration implies that on average, the land measuring more than 10 acres was sold off in parcels of not more than 2.0 acres per buyer.[51] But the subdivision and fragmentation does not stop at this level. This is because most of the buyers always subdivide their new pieces of land either to re-sell in even smaller units or to share them out to maturing sons (who have to establish their own homesteads). In the final analysis, the obtaining landholding situation is akin to a typical rural slum!

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[50] Though nearly all the plots in Lumakanda scheme and in the sample measured 15.0 acres, this study established 7.0 acres as the half-way point in household landholding because of the planned allocation of 0.5 acres for homestead construction and another 0.5 to 1.0 acres for facilities such as cowsheds and milking sheds etc.

[51] Some of the buyers in such instances are very wealthy urban-based individuals who erect mansions on their plots and then retreat to their city abodes while a majority are very poor individuals with little or no capital to develop any meaningful economic activities on their new landed possessions.

In spite of the overwhelming physical evidence of the high degree of subdivision of land, the new landholders are not recorded in official government land registry records. It is apparent that both the sellers and buyers do not register the transactions with the District and national land registry offices at Ardhi House in Nairobi. This would be the expected procedure especially if the buyers anticipated the award of title deeds to their new parcels. For those seeking data on household landholding patterns in areas such as Lugari Divisions, the figures in Appendix 1 tell perhaps only a small portion of the story. This is because many original plot owners who have subdivided and sold off portions of their land do not usually update their records with the Lands Registry at the Ministry of Lands and Settlement. The result is that in many instances, official government records give the wrong impression of the real landholding situation on the ground. The relevant government bodies no longer carry out the regular aerial mapping and survey of landholding patterns in rural Kenya the way they used to do some decades back. Today, these areas display not only pathetic but also the deplorable and pauperized living conditions that now remain of what was once a prosperous smallholder settlement farming just a few years ago.

Amidst all this haste to subdivide and sell off household farmland are certain illustrative case studies. One of the classic examples is presented by the case study of Household no. 40 in the Lumakanda sample. In this instance, the original settler subdivided his 45-acre Special Plot among his eight sons in descending seniority with each pair getting a portion of the household land in the following order: 5.0, 4.5, 4.0, and the youngest 3.5 acres. Altogether, the sons were allocated 34 acres, leaving the rest of the land about 11 acres to

himself, his two wives and several dependants from his extended family. When the head of the household passed on in 1995, his widows sold off portions of this land of different sizes to 6 new buyers. Besides their mothers selling off portions of their household land, the sons have also sold off varying portions of their allocated land to numerous buyers thus reducing what was once a flourishing Special Plot farm into a congested rural slum. By the time of carrying out fieldwork for this study, the household's total land area had been reduced to a mere 4 acres (or 8.9%) of the original size. The household has sold off 41 acres (or 91.1%) of their original total landholding.

It is the contention of this study that such trends suggest that there was little rationalization in the decision-making process to sell off such a huge chunk of household land. Indeed, were the provisions of the Land Act mentioned above to be enforced and strictly applied in carrying out such land sales and transfers, such situations would not be obtaining in many parts of rural Kenya. To cite Walter Odhiambo and Nyangito, H:

> "Enforcement of laws relating to land is just as important a governance tool as are land laws. In fact, there are those who believe that the problem in Kenya is one of lack of enforcement of existing laws rather than the existence of good land laws. For land law to be effective, enforcement must be credible and repetitively consistent. For complex contracting, such as land-based contracts, enforcement is the sufficient conditions for land governance. Enforcement deters breaking of contracts and encourages redress."[52]

The aspect of discussing selling off portions of settlement land proved tricky to some respondents, making some to give data that did not correspond with the situation on the ground. For example, there were instances where a respondent would give a breakdown

[52] Walter Odhiambo and Nyangito, Hezron *Land Laws and Land use in Kenya: Implications for Agricultural Development*: Kenya Institute for Public Policy Research and Analysis, Nairobi: Kenya 2002. Kenya 2002. KIPPRA Discussion Paper No. 15 pp. 18-19.

of the landholding size and usage whereby the totals did not just add up to the original figure of the land allocated. One such farmer[53] in Munyuki sub-location of Lumakanda Location insisted that when the scheme was started, he was allocated only 12 acres of land though the parceling process indicates he was allocated 15 acres. A breakdown of the changes in the size of his landholding and land use over the study period is shown in Table 13 below.

Table 13 Case Study A: Changes in Household Landholding Size, 1965-2000.

	Household landholding size/Use in acres					
Period	Homestead/ Compound	Crop	Pasture	Fallow land	Total H/H Landholding	Change in H/H Land
1960s	0.25	2.0	10.0	0.0	12.0	0.0
1970s	0.25	5.0	7.0	0.0	12.0	0.0
1980s	0.25	5.0	7.0	0.0	12.0	0.0
1990s	0.25	2.0	2.0	0.0	4.0	- 8.0
2000	0.25	3.0	3.0	0.0	4.0	- 8.0

Source: Data collected during fieldwork from respondent through interview.
Note: The disparity of 0.25 acres in total landholding size is due to the common trend among most oral respondents/smallholder farmers to exclude the area under the homestead and vegetable garden in computing the total land area held. This situation is common even in the other settlement schemes in the Division and District.

From Table 13 above, it can be deduced that this farmer had sold off 66% of his household landholding between the end of the era of prosperity in the 1980s and the year

[53] Francis Khisa, a monogamous peasant farmer with 9 children and 4 dependants (13HH size), plot no. 124.

2000. Interestingly, the farmer denied having sold off any land during the oral interview, insisting he had only shared the land out to his sons! However, the landholding data shows that between 1985 and 2000, he had lost a total of 8.0 acres (or 66.67%) of the total land allocated to him during the establishment of the settlement schemes.

In the second case study, the farmer[54] was allocated 15 acres of land in 1965. The changes in the household landholding are seen in Table 14 below. From the table, it can be seen that the farmer maintained his original land holding from 1965 to the mid 1980's after which he started selling off portions of their land. He lost 43.33 % of land in the period following the decline in agricultural prosperity between 1985 and 2000.

Table 14 Case Study B: Changes in Household Landholding Size, 1960s-2000

	Household landholding size/type in acres					
Period	Homestead/ Compound	Crops	Pasture	Fallow	Total H/H Landholding	Change in H/H Land Size
1960s	0.75	3.25	4.0	7.0	15.0	0.0
1970s	0.75	10.0	4.25	0.0	15.0	0.0
1980s	0.75	10.0	4.25	0.0	15.0	0.0
1990s	0.75	7.0	4.25	0.0	12.0	-3.0
2000	0.75	3.5	4.25	0.0	8.5	-6.5

Source: Data collected during fieldwork from respondent through oral interview.

[54] This refers to Timothy Kisaka Omido a monogamous peasant farmer with 8 children and 4 dependants (12HH size).

In our third case study, the farmer[55] stated that at the start of the settlement scheme, he was allocated a total of 17.0 acres.[56] Compared to other settlers, this farmer was very lucky to have been allocated a plot of land that was strategically located close to the main Eldoret-Webuye road. Thus, compared to other farmers whose plots were located far away from such major means of transport and communication, his land was more valuable. Table 14 below shows the changes in the land use and landholding sizes over the study period.

Table 15 Case Study C: Changes in Household Landholding Size, 1960s-2000

	Household landholding size/type in acres					
Period	Homestead/ Compound	Crops	Pasture	Fallow	Total H/H landholding	Change in H/H Land sizes
1960s	0.25	2.0	8.0	6.0	17.0	0.0
1970s	0.25	8.0	8.0	0.0	17.0	0.0
1980s	0.25	9.5	7.0	0.0	17.0	0.0
1990s	0.25	9.5	2.0	0.0	12.0	- 5.0
2000	0.25	2.0	3.0	0.0	4.0	- 13.0

Source: Data collected during fieldwork from respondent through oral interviews. For the disparity of 0.25 acres in the household land totals, see note in Fig. 7.4 above.

Like in the foregoing case, it can be seen that this settler did not sell off any portion of his land between 1965 till the late 1980's to the early 1990's. By the time of our data

[55] Household No. 28 in our sample belonging to Henry Masero Saleh, OI December, 2004 Lumakanda Scheme, originally from Maragoli Location, Western Province.

[56] The figure of 17.0 acres seems rather questionable given that there hardly any other plots of this size in the scheme. It is most probable that this farmer was allocated 15.0 acres like most the settlers here or if the figure he gives is correct, most probably part of his land must have been either stony or uncultivable.

collection, this household held only 4.0 acres (or 24%) of the original land size of 17 acres. A total of 13.0 acres (or 76%) of his original land size has been sold off in small portions to several buyers. This farmer explained that the sharp reduction in the household landholding because he had allocated a portion of his land to his son when he got married and sold another portion to raise money to pay tertiary college tuition fees for his other children and those of his late sister.[57]

There are also very ironic twists in the resulting system of land ownership in regard to land transfers. To illustrate this, half of the 10 of households[58] in the Lumakanda sample that now possess less than 5.0 acres of their original land sizes, have sold off more land to the buyers than what they currently possess. Yet the rapid population increase that characterize both the original settler and immigrant land buyer households living below the poverty line portends a major social and economic catastrophe in the making.

Second, most of the buyers in these schemes are poor individuals with large families of dependants and with no substantive capital or resources to establish high income generating economic activities such as zero-grazing dairy cattle or poultry/egg-layers on their tiny pieces of land. The trend across the study area is that such poor households follow the same pattern – they in turn subdivide their small plots of land among their sons who in turn subdivide and sell them off to new buyers to the tune of points of an acre, rapidly creating rural slums.

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[57] This kind of holistic explanation was common throughout the research area with hardly any farmer volunteering to specify how much land was sold, when and at what price to meet these financial needs. It was even more difficult to extract the buyer's bio-data or information from the settlers who had sold out land.

[58] The households in question are H/H numbers 2, 9, 13, 17, 26, 28, 35, 38, 39, and 40 in the sample.

During the data collection exercise, the settlers expressed a high sense of security and "Possessiveness" to their plots of land. Thus, in spite of this high regard of their land, this study was rather astounded over the spiraling sub-division and sale of more and more of family land. This prompted the study to endeavor to find out the reasons why more and more heads of household were selling off more and more portions of household land. This entailed an important component of the study because it aimed at addressing the contradiction between land ownership as the prime resource and source of survival and the expropriation of the (only sure) basis of socio-economic security. Table 16 below summarizes the reasons given by the sampled oral respondents with regard to the reasons for selling land in Lumakanda Scheme.

From the onset that not all oral respondents were willing to readily give reasons why they sold off portions of their land. Often details emerged only after further probing questions.[59] While some stated that they sell land to help their dependants and relatives with various financial needs, other had more reasons. This latter group singled out President Moi's government, blaming it for messing up the agricultural sector. They moaned that smallholder farming was no longer viable. As discussed elsewhere in this study, by the time President Moi left office in 2002, hardly any of the hitherto numerous farmer organizations were functioning. Other respondents explicitly laid heavy blame partly on the harsh economic conditions and partly on the government's role in destroying the agricultural sector in the country.

[59] The responses varied widely depending on the prevailing circumstances and conditions. Some farmers were reluctant to answer the question for fear that this information cam reach the SFT and make them lose their remaining small portions of land. Others simply were distrustful of anyone asking them about such matters which they considered to be private and confidential.

Table 16 Reasons for Selling Land in Lumakanda Settlement Scheme, 1980-2000.

		Participating Households	*Participating Households*
	Reason for selling land	No	% Sample
1	Tertiary College Tuition	37	92.5
2	Medical Bills/Health	26	65.0
3	High school Tuition	25	62.5
4	Holiday - Enjoy one's sweat	15	37.5
5	University Tuition	14	35.0
6	Pay off SFT Loan	10	25.0
7	Legal Fees/services	9	22.5
8	Start Transport (Matatu) business	8	20.0
9	Repay AFC Loan	5	12.5
10	Build Rental Houses	4	10
11	Build Rental Business Premises	3	7.5
12	Buy family car	3	7.5
13	Start Retail Business	3	7.5
14	Food	3	7.5
15	Start on-Farm Business	2	5
16	Purchase Tractor	2	5
17	Primary School Tuition/Needs	1	2.5
18	Buy Shares/Stocks	1	2.5
19	Purchase Lorry	0	0.0
20	Bicycle	0	0.0

Source: Data extracted from information provided by oral respondents during fieldwork.
Note: The cumulative percentage totals are more than 100% because most households sold land once for more than reason or some sold land several times for multiple reasons/purposes.

The reasons for selling land from the sampled smallholder households in Lumakanda scheme (Table 16) are very similar to those presented by several other studies. Given the emphasis, belief and high hopes put on education as the most formidable pathway out of poverty, tertiary education ranked as the number one reason for selling land. A total of 37 out of 40 respondents (or 92.5%) reported selling land to raise money for this purpose. In most rural surveys carried out in Kenya, the leading expenditure items have always been education (cumulatively), health and food. However, food may not feature significantly on the budget schedule for the Lumakanda settlers because during the period of our study, a majority of the households grew most of the basic foodstuffs they needed while spending limited amounts of money on delicacies such as bread, wheat flour, meat, and fish.

A majority of the respondents (i.e. 62.5%) therefore justified the selling household land to pay for tuition in high school and college. This confirms the crucial perception among such communities of education acting as the key factor in enabling members of the household to attain socio-economic self-sufficiency and security.[60] The common expectation is that it is justifiable to sell land to send a child to a vocational or professional tertiary college because once they graduate they can get a job and buy (more) land with their income. There is still a very strong belief in formal employment as a way of earning a livelihood, the more reason why many parents are ready and willing to sell their land to raise college tuition. Indeed, several oral respondents interviewed by

[60] Pat Hamilton, "Food or Fees?: Coping Strategies of the Poor in Rural Kenya." *World and I* February 1, 2002.

this study readily identified those occasions when they had to sell household land to educate their children to varied educational and professional training levels![61]

Second to tertiary education were medical expenses. A total of 26 respondents (or 65%) of the sample returned a positive score for selling land to raise money to meet high medical bills incurred by a member or members of the family. The depreciation of public funded health services has left the low-income households being directly responsible for medical expenses. Almost tying in position with medical expenses was high school tuition costs. Of the 40 sampled respondents, 25 (or 62.5%) gave this reason as justifying selling off portions of their household lands. This reflects the importance attached to education as a major factor of upward socio-economic mobility in society. It is striking to note that less than half of the respondents sold land to pay University tuition fees. In fact, only 14 (or 35%) of the sampled respondents indicated to having sold part of their land to pay for their children's University tuition. This is a far cry from the figure of 37 for those who sold land to pay for professional leaning tertiary tuition fees. This disparity gives the impression that most rural households have more faith in the middle level professional training programs such as Nursing, Teaching and Computer programming as contrasted to the regular non-professional University degree.

Besides education and health, it has often been postulated that smallholder farmers as those in Lugari Division sell off land due to poverty conditions. Over the past three or so

[61] One of the unfortunate aspects of this trend is that the farmers continue to sell their land to send their children to colleges in spite of the spiraling levels and rates of unemployment in the country. Buts till this does not render the acquired knowledge null and void for the children can always seek employment elsewhere.

decades, there has been a momentous growth in literature on rural living conditions in the poor regions of the world, Kenya included. These case studies show that while other rural parts of the Third World have registered substantive economic growth, those in Kenya persistently remain under poverty levels.[62] The purpose of raising this matter at this stage is to point out the fact it is not unusual for smallholder households like those sampled in Lumakanda to spend more than 60% of their capital earnings from e.g. the sale of land or livestock on non-investment ventures. A good illustration can be seen from the fact that while a large percentage of the respondents, i.e. 37.5% justified the sale of their land to "enjoy one's sweat before they pass on", only 20% sold land to invest in the lucrative passenger transport business (famously known as "Matatu" business). Compared to the other items, it is amazing that only 25% of the sample sold land to pay off SFT loans while 12.5% did so in the case of AFC loans but a large number, i.e. 37.5% sold land "to enjoy their sweat before passing on.

It is rather disconcerting to note that only 7.5% of all the farmers sold land to raise monetary capital to invest in undertakings such as the construction of rental business premises or the establishment of retail business or the purchase a family car. A smaller proportion of the respondents (5%) sold land to raise capital to establish on-farm business

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[62] There is a wide diversity of literature on this topic. However, for quick reference, see for instance, Mari H. Clark "Woman-Headed Households and Poverty: Insights from Kenya" *Signs*, Vol. 10, No. 2, Women and Poverty. (Winter, 1984), pp. 338-354; Frank Place, Paul Hebinck, and Mary Omosa. "Chronic Poverty in Rural Western Kenya: Its Identification and Implications for Agricultural Development." April 2003; Christopher B. Barrett & Festus Murithi, "Rural Poverty Dynamics: Development Policy Implications." August 2003 USAID BASIS CRSP TC Meeting Pumula Beach Hotel, Umzumbe, South Africa. BASIS Project on Rural Markets, Natural Capital and Dynamic Poverty Traps in East Africa; Mohamed S. Mukras; John O. Oucho; Michael Bamberger "Resource Mobilization and the Household Economy in Kenya" *Canadian Journal of African Studies*, Vol. 19, No. 2. (1985), pp. 409-421; Marenya, Paswel P. et al "*Education, Nonfarm Income, and Farm Investment in Land- scarce Western Kenya*", *Broadening Access and Strengthening Input Market Systems* (BASIS) Brief, No. 14, February 2003.

and to purchase a tractor. Though only one farmer sold land to pay for a child's elementary tuition fees, none did so to purchase a long-term high capital generating investment such as a lorry. Even more striking is the fact that only 10% invested in rental houses while a slightly smaller percentage (7.5%) invested in building rental premises or in starting retail business. Perhaps least surprising is the fact that only one person (or 2.5%) sold land to buy shares on the stock market. Perhaps this is due to the lack of or exposure to stock-trading opportunities in the villages. This trend does not bode well with the perception of land ownership as a step towards socio-economic development.

On the whole, there was little variation among the sampled respondents in the main reasons for selling portions of their land. A majority of the farmers stated they have sold their land to pay for their children's tuition fees in tertiary institutions and to settle medical bills. In the same vein, they blamed the government for failing to provide public funded training opportunities in these institutions and also for failing to offer free medical treatment in government hospitals respectively! A few insisted that it was in their right to sell the land so as "to enjoy their sweat before they die." Most justified this position by arguing that the land in the schemes is not a hereditary family property like the one in the Native Reserves that could not be sold!

7.8 Land Fragmentation and Socio-economic Effects in Lugari Division, c1980-2000

The fragmentation of farmland in Sub-Saharan Africa and other parts of the Third World has been a major concern in the aspects of agricultural development and food security. Different scholars from diverse theoretical and disciplinary backgrounds perceive this aspect as one of Sub-Saharan Africa's major setbacks to improved land utilization and

overall agricultural development.[63] Indeed, one of the most challenging tasks faced by the colonial government in Kenya during the post World War II land reform in African areas was that of convincing the Africans to consolidate their fragmented holdings into single, larger and presumed, more economic parcels. The challenges faced in pushing for land consolidation in the former African (Native) Reserves and the persistence of hereditary structures (that also inherently contributed to land fragmentation) underlay the rationale for providing a financial plan for the settlers in the settlement schemes to avoid a revert to the old practices.

As discussed in Chapter Five above and elsewhere in this study, during the formulation of the policy to govern land ownership in the then proposed A Million-Acre settlement program, each scheme was designed with an established budget. It was anticipated that each family allocated land would maintain the plot size and maximize productivity. The possibilities of these planned land units being subdivided and sold off was not taken on board. This explains why there were very strict regulations governing land subdivision and transfer in the settlement schemes after their inception. However, in spite of these provisions, the development of a free market in land from the late 1970s to the early 1980s onwards, changed the entire tenure configuration. Indeed, the discussion in the

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[63] From the early colonial to the post-colonial periods, land fragmentation especially under Africa's diverse indigenous tenure systems that followed family and/or kinship inheritance have remained a bond of contention between the Bourgeois/capitalist leaning scholars and their opponents alike. For an overview of this widely contested issue, see for instance, Benoit Blarel et al "The Economics of Farm Fragmentation: Evidence from Ghana and Rwanda" *The World Bank Economic Review*, Vol. 6, No. 2 (1992), pp. 233-254; Ellen M. Bassett "The Persistence of the Commons: Economic Theory and Community Decision-Making on Land Tenure in Voi, Kenya." *Africa Studies Quarterly* The Online Journal of African Studies, Vol. 9, Issue 3 (Spring 2007); David E. Ault and Gilbert L. Rutman "The Development of Individual Rights to Property in Tribal Africa." *Journal of Law and Economics* Vol. 22, No. 1, (1980), pp. 163-182; Catherine R. Cross, "Informal Tenures Against the State: Landholding Systems in African Rural Areas." In M. de Klerk (ed) *A Harvest of Discontent: The Land Question in South Africa.* Cape Town: Institute for a Democratic Alternative for South Africa, 1991, pp. 63-98.

foregoing section has demonstrated how land in the settlement schemes has continuously been subdivided into tiny and largely uneconomic units measuring no more than tenths of an acre. This rapid fragmentation of hitherto productive plots of land in the settlement schemes has had a devastating impact on agricultural production.

There is considerable evidence of agricultural decline in our area of study. For instance, prior to the decline in agricultural productivity, sustained high productivity in maize was witnessed in the millions of bags of maize that used to fill all the government National Cereals & Produce Board (NCPB) stores. Lack of adequate storage space for the maize meant that the NCPB had to opt for creating a temporary storage strategy. The strategy adopted was that of storing the maize bags in huge stacks in the open spaces next to the permanent stores and silos. The huge stacks of maize were usually covered with tarpaulins to protect the grain from damage. That maize productivity had declined substantively can be seen from the fact that at all the NCPB storage facilities, the huge stacks of maize that could not fit in the grain stores have all but disappeared.

The rapid decline and almost definitive decline in intensive farming and commercial maize production in Lugari Division and surrounding areas increasingly became a major concern both for the individual producers and the government as a whole. The drop in grain productivity needed no further affirmation. From 1990 onwards, the local NCPB stores at Turbo, Kipkarren River, Lugari Station and Lumakanda Townships hardly ever fill halfway even during peak harvesting season. The role of private buyers and millers has been noted but this cannot account for the huge disparity in the maize production

figures. This is because on most occasions, farmers have always opted to sell their maize to the NCPB stores because of the higher prices the government pays in contrast to the private entrepreneurs.[64]

Like other parts of rural Kenya, the pathway towards prosperity in the settlement schemes in Lugari Division began feeling the impact of economic decline from a multiplicity of factors. At the national level, the stress of global economic recess; declining terms of trade against farm produce from poor countries and regional climatic changes during the 1980's were having devastating impact on the country's economic performance. These factors began precipitating a downward spiral in smallholder productivity and profitability, and thus, reversing all the grains that this sector had realized against the ills of food shortages and poverty reduction. At the local level, this process was accelerated by other intervening factors at the lead being political meddling, mismanagement, and corruption.

Over time, these variables have gravely distorted agricultural production through exorbitant pricing of farm inputs; the distortion of producer prices and total dislocation of the market. More than anything else, political meddling and corruption have dealt the severest blow to smallholder farming in the settlement schemes during our period of study.

[64] It is true that the liberalization of the grain market in Kenya has brought in many private entrepreneurs and millers who buy the maize directly from the farmers but still, the overall productivity is very low.

The rapid politicization of public offices and ethnocentric appointments that quickly followed President Moi's ascension to power in 1978 began having its destructive toll on the agricultural sector as the 1980's took off. Various sections of this sector started getting run down by incompetent managers and ethno-entrepreneurial merchants out to make a quick financial kill for their own personal gains. One after the other, Kenya's principal agricultural exports and leading foreign exchange earners like coffee and tea started a tumble down trend. This was immediately followed by collapse of diverse produce marketing and exporting organizations in the country. Among the bodies that collapsed included the Kenya Planters Co-operative Union (KPCU) that processed and marketed coffee; Unga Limited that dealt with maize and wheat flour milling; The Pyrethrum Board of Kenya; The Kenya Tea Development Authority (KTDA); The Uplands Bacon Factory; the Kenya Meat Commission; the giant milk processing firm – the Kenya Co-operative Creameries (KCC); the Kenya Grain Growers Co-operative Union (KGGCU); and later, its successor the National Cereals and Produce Board (NCPB) for maize and other cereals. This trend is evident enough of the extent to which the executive arm of the government had intervened negatively in the agricultural sector.

In addition to the above, the Kenya Furfural Company in Eldoret that used maize husks and cobs as raw materials to process a wide range of animal and bird feed collapsed too largely due to inefficiency and mismanagement. Even auxiliary agro-industrial establishments such as the hitherto flourishing textile firms – the huge Rift Valley Textiles (Rivatex), and Raymonds Woolen Textile Mills in Eldoret town were not spared either. A conglomeration of internal precipitating factors emanating from corruption and

inefficient management and massive illegal importation of cheaper, poorer textiles contributed to their rapid demise. Similar firms in regard to cotton textile manufacturing plants in Nyanza province such as Kisumu Cotton Mills (KICOMI) also collapsed, taking down with them thousands of cotton farmers in Nyanza and Western provinces and their households that had relied on this cash crop for survival.

The impact of this meddling can be seen from the fact that by 1990, many farmers – both in the smallholder and large-scale sectors were experiencing serious difficulties carrying out their usual farming activities. Crop farms deteriorated while the quality of livestock kept was a mere shadow of what they possessed a decade earlier. Many farmers failed to obtain loans from the hitherto flourishing farmer credit agencies and financial institutions such as the Agricultural Finance Corporation (AFC) and the Kenya Commercial Bank among others. That all these crucial components of Kenya's large-scale and smallholder agricultural processing industry collapsed within 12 years of President Moi's reign is a phenomenon that calls for further independent analysis beyond the scope of this study. Suffice it to say that if global economic and regional climatic factors were impacting negatively on the smallholder agricultural production in rural Kenya, then the political meddling virtually brought the core agricultural productivity to an all-time low. These are the very sentiments expressed by a majority of the oral respondents in justifying the subdivision and sale of their household land. In such ways have developments in other sectors of Kenya's national economy and political affairs impacted negatively on the system of land ownership in Lugari Division.

7.7 **Conclusion**

The administrative and logistical setbacks that hampered the establishment of a dynamic and prosperous agricultural economy in Mautuma settlement scheme in particular and in the rest of the schemes in Lugari Division waned as the decade of 1960s wore on. In many ways, the years between 1962 and 1969 could be considered as the "trial-and-error" period in the transformation of the settlers from "people of the Reserve" to "African settlers."[65] But the gravity of the challenges was not uniform for it varied from one settlement scheme to the other. Similarly, different cadres of settlers in different settlement schemes had their own respective, unique circumstances and challenges. On the whole therefore, the rate of adoption of improved livestock and crop husbandry practices like that of the progress towards socio-economic prosperity derived from farming, varied from one settlement scheme to the other and from one aspect of farming to the other.[66] At the local level, it also varied from one individual household to the next.

By the end of the 1960s decade, many farmers had acquired adequate crop and livestock management skills to establish a fairly well performing agricultural economy. The main sources of income solidified around maize, beans and milk production. Milk was initially

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[65] From the start, loans advanced through Settlement Fund Trustees (SFT) structure based on the financial and budget plans for each scheme assisted the farmers to develop their individual plots of land more rapidly. After being provided with loans to purchase the land via the SFT and additional loans to develop their farms, the settlers immediately got down to adopting the new socio-economic lifestyle and farming system in the schemes. This also accounts for the sustained efforts towards increasing productivity from the farms.

[66] In addition, the enforcement of the regulations covering land utilization and production targets that occurred concurrently with the settlement process after the training of the farmers ensured an immediate start in farming. In fact, one of the most powerful catalytic factors that pushed the settlers rather rapidly into beginning their new farming activities was the strict loan repayment schedule given to each settler. Initially, the SFT made it very clear that those settlers who defaulted in repaying the loans were to be stripped of their plots of land and the land re-allocated to other families with the ability to repay the loans.

sold through the Mautuma Farmers' Co-operative Society but with the instability in the transportation and other problems faced by this co-operative, many farmers took to selling their milk through the private outlets on the open market. The fledgling co-operative society was however instrumental in helping the new settlers market their maize to the government depots that compensated the farmers favorably for their harvest, transportation costs, preservation and bagging expenses.

The path towards the effective adoption of improved livestock and crop husbandry on the newly settled plots of land was both uneven and precarious. However, gradual progress was made by putting to practical use the basic knowledge attained from the training sessions in the Farmers Training Centers and with continuous input from agricultural extension officers. Like their counterparts in Lugari and partly Lumakanda schemes, the new settlers in Mautuma endeavored to master what was required of them to become good dairy livestock keepers and expedient cultivators of high yielding strains of the staple crops. Incidentally, though the new landowners in Lumakanda were settled after those in Mautuma and Lugari schemes, they picked up farming much faster than their predecessors. Comparatively, and in terms of levels of the development of farming enterprises, the Lumakanda settlers led in the Division followed by those in Lugari and Mautuma in that order. In addition, the Lumakanda settlers were more successful in establishing on-farm and off-farm commercial enterprises than those in Mautuma and Lugari schemes.[67] Thus, the end of the 1960's showed a marked improvement in the

[67] Various factors may account for this disparity. First, the Lumakanda settlers were ethnically diverse and included civil servants and families from established trading communities like the Kikuyu. Compared to those in Mautuma and Lugari, they had more capital resources. Even many of the non-Kikuyu settlers here were people who had already been exposed to various forms of commerce. Second, some of the

overall performance by the new settlers in regard to farming, hence the beginning of the period of agrarian-based prosperity.

The accumulation of wealth from farming activities did not occur with simultaneous impaction. Rather, it was a gradual process involving investment and re-investment in farming activities and different levels of trials and experimentation. The underlying factor was that the increase in income resulting from high producer prices laid the foundation of the period of economic prosperity in Lugari Division. From data collected in Lugari, Mautuma and Lumakanda settlement schemes, it is evident that the initial wave of economic prosperity occurred almost simultaneously in the three settled areas of Mautuma, Lugari, and Lumakanda. Indeed, oral testimonies from the settlers[68] supported this position. In the present Lugari Division for instance, many farmers recall receiving high incomes from maize, milk, sunflower, vegetables and other crops during this period.

On the whole therefore, the growth in agricultural production and overall socio-economic prosperity in the Million-acre settlement schemes witnessed roughly between 1969 and 1980 seemed to justify the government's financial investment and logistical support for the land resettlement program. The government and senior officials in the ministries of lands and settlement and that of Agriculture hailed this development as the answer to

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Lumakanda settlers had larger farms and were strategically located next to efficient means of transport, which boosted their chances of developing commercials enterprises.

[68] There are no specific figures showing gross agricultural production in Lugari District for this period. All the data in this regard is subsumed under the information on the previous Kakamega District. However, a few farm survey reports at the CBS provide some data on total grain and milk received in major centers. Republic of Kenya, *Central Bureau of Statistics*, Agricultural Division, various years, 1969/70- 1974/75

resolving Kenya's rural poverty.[69] But it is unfortunate that the period of comparative agrarian prosperity in the smallholder agricultural sector was followed by a sudden decline in agricultural productivity. At the national and local levels, evidence of the crises in farming could be seen from the collapse of numerous processing and marketing firms directly linked to this sector. These included for instance, Kenya Creameries Co-operative (KCC), Kenya Grain Growers Co-operative Union (KGGCU), Kenya Uplands Bacon factory, Kenya Meat Commission, Unga Ltd, Kenya Tea Development Authority (KTDA), Kenya Planters Co-operative Union (KPCU), and the Pyrethrum Board of Kenya among others.

In the case of our area of study, the sharp and drastic decline of the smallholder sector in Lugari Division was subsequently followed by a rapid increase in the subdivision and sale of household farmland. In some circles this has been perceived as the necessary participation of the enigma of a free market in land. However, there are growing concerns in the corridors of agricultural planning and food security circles that the continued fragmentation of hitherto productive smallholder agricultural land is a sure path to food scarcity, famine, starvation and eventual socio-economic degradation of these once-productive areas. Land parcels are continuously subdivided into small fragmented portions measuring mere fractions of an acre.[70] While just a handful of the settlers have

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[69] Throughout the annual Agricultural Society of Kenya shows held in the major cities, the government repeatedly praised the program as the economic flag-bearer of the country's economic growth.

[70] But this is by no means a situation peculiar to the area of study alone - the same trend has been reported in most other Million-Acre settlement scheme areas. In most parts of rural Kenya, this process accelerated in the 1990s following the instability and insecurity precipitated by the ethnic clashes that rendered the hitherto security of tenure in land in the title deed rather seemingly void much to the chagrin of many displaced settlers.

struggled to hold onto their original plot sizes, there are many who now hold less than 10% of their original acreage of allocated land.

The sharp increase in the subdivision and sale of household land in Lugari Division has raised serious questions regarding the economic viability and sustenance of the smallholder farming economy in this area. Partly catalyzed by a rise in demand for land on the one hand and the insecurity of tenure precipitated by inter-ethnic conflicts on the other, the resulting landholding pattern portends an imminent collapse of this once prosperous sector. While household landholding per capita maintains a sharp nose-dive against a background of a rapidly urbanizing rural terrain, it is undoubted that land ownership will remain one of the most contested and explosive issues in Kenya's rural and national political economy. This and other related aspects will comprise the core of our discussion in our next and final concluding Chapter to this study.

CHAPTER EIGHT

8.0 Ethnicity, Ancestral Land Claims and Contemporary Issues in the System of Land Ownership in Lugari Division, 1990-2000: A Conclusion.

8.1 Introduction

The monumental changes in the system of land ownership in Lugari Division between 1960 and 2000 epitomized by the settlement schemes program and the latter development of a free market in land comprise an integral component of the focus of this study. The issuance of individually registered parcels of land to thousands of smallholder farmers at independence marked a major watershed in the changing terrain of land ownership. As discussed in Chapters Five to Seven above, the process of change has been accentuated by competing inter-ethnic claims to land and a sharp increase in the subdivision and sale of household land.

Like in other affected rural areas of Kenya, the changes in the system of land ownership and the allocation of hitherto public land to individuals in Lugari Division have generated a hot debate. Key issues in the debate revolve around aspects such as ancestral (clan) land claims; the title deed and tenure security in land; and the role of the state in regard to the access to, acquisition, ownership, control and disposal of land.[1]

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[1] There are several scholarly perspectives focusing on the intersecting matrix between access to, ownership and control of land in Kenya in particular and Sub-Saharan Africa on the whole. For an overview, see Archie Mafeje, "The Agrarian Question, Access to Land, and Peasant Responses in Sub-Saharan Africa", UNRISD, 2003, pp. 4-12; Karuti Kanyinga *Struggles of Access to Land: The 'Squatter Question' in Coastal Kenya.* (Copenhagen: Centre for Development Research, 1998); H. W. O. Okoth-Ogendo, "The Perils of Land Tenure Reform: The Case of Kenya." J. W. Arntzen, L. D. Ngcongco, and S. D. Turner (eds.) *Land Policy and Agriculture in Eastern and Southern Africa.* (Tokyo, Japan: United Nations University, 1986); Paul Maurice Syagga, "Land Ownership and Use in Kenya: Policy Prescriptions from an Inequality Perspective." *Readings on Inequality in Kenya: Sectoral Dynamics and Perspectives.* (Nairobi: Society for International Development (SID) 2006), pp. 289-344.

This chapter focuses on how unresolved issues embedded in the pre-independence inter-ethnic contestations over the distribution of land and the post-colonial state-sponsored land allocation programs have impacted the system of land ownership in Lugari Division. The discussion emphasizes the triangular interconnectivity between pre-colonial clan land claims, the contemporary system of land ownership and the place of the title deed in tenure security in land. The Chapter concludes with a brief focus on the implications of inter-ethnic conflicts over the system of land ownership. Embedded in this discussion are some recommendations on how to resolve the key issues in matters pertaining to the changing system of land ownership in Lugari Division.

8.2 Kenya's Independence Politics, Ethnicity and the Land Question in Perspective

The centrality of land in the livelihoods of rural households in Sub-Saharan Africa is often inextricably entrapped in the dialectics of the underlying system(s) of land acquisition, ownership and control.[2] Equally, the state, top government officials and other influential figures often play a key role in the allocation of land to individuals or business concerns. In some instances, Multi-National Corporations (MNCs) have joined the struggle for land between peasants and the state or that between pastoralists and farmers, thus creating a new frontier in the system of land ownership and competing interests. Indeed, besides the contestation for political power (read the presidency), land has

[2] In spite of many similarities in the ecological and socio-economic setting of sub-Saharan Africa countries, different countries tend to display diverse aspects in regard to land ownership matters. For an overview, see the Special Edition of *IRDCurrents*, No.15 on LAND QUESTION IN SUB-SAHARAN AFRICA, December 1997. See contributions by Kjell J. Havnevik "The Land Question in Sub-Saharan Africa", pp. 4-9; Kojo Sebastian Amanor "Collaborative Forest Management, Forest Resource Tenure and the Domestic Economy in Ghana", pp. 10-16; Karuti Kanyinga "The Land Question and Politics of Tenure Reforms in Kenya", pp.17-20; Halvor Wøien "Foothold in the Rangeland: New Strategies for Maasai Land Control in Tanzania", pp. 21-26; Prosper B. Matondi, "Land Use Intensification and its Implication on Zimbabwe's Land Question", pp. 27-32; Tekeste Negash, "The Unfinished Quest for an Equitable Land Tenure System: The Case of Ethiopia", pp. 33-40.

remained one of the most explosive and divisive issues in Africa's predominant agrarian societies that are also becoming polarized along ethnic lines.

As demonstrated from the literature on Kenya in this study, the inter-play between these factors points to the fact that the system of land ownership is a dynamic institution and one whose dynamism has been influenced and sustained by diverse historical and contemporary forces.[3] In the case of our area of study, the attempted reforms in land ownership by the colonial administration between 1945 and 1960 pegged against African nationalistic demands are a good illustration. Having asserted this, let us briefly demonstrate how the question of land ownership during Kenya's independence struggles and the aspect of ethnicity have impacted contemporary issues in land ownership in Lugari Division.

In spite of the apparent unity in purpose among the Kenyan nationalists with regard to fighting for independence, all was not well across the nation's diverse ethnic and racial fabric. There were a number of sensitive issues that caused deep divisions between different ethnic and political groups. Representatives of the main political parties (which tended to represent certain ethnic, economic and or racial constituencies) disagreed on crucial matters such as the type of government system to adopt and the disposal of land in the former White Highlands.

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[3] See for instance the lively debate and discussion by various contributors of aspects such the conflict between modern and customary rights to land; land registration and productivity, and the place of the title deed to land in John W. Bruce and S. E. Migot-Adholla (eds.) *Searching For Land Tenure Security in Africa.* (The World Bank, Kendall/Hunt Publishing Company, 1994.)

A good illustration of the fear and mistrust between these groups can be seen from the reaction from the Rift Valley communities. Representatives of the predominantly pastoralist Rift Valley communities under the banner of Kalenjin, Maasai, Turkana and Samburu (under the acronym KAMATUSA) grew increasingly suspicious and fearful of the dominating influence by the larger Kikuyu and Luo ethnic groups. These two groups – the Luo and Kikuyu dominated the biggest ethnic groupings and their allied political parties, especially, KANU. The Kalenjin and other Rift Valley communities felt that their interests were likely to be sidelined by these larger groups.

This inter-ethnic fissure and ideological disagreements between the aforementioned ethnic and interest groups had been growing underground during the period preceding the independence constitutional meetings in London. Open and free discussion of such contested issues was hampered by the ban that had been imposed by Britain on African political activity under the Emergency Rule. Emergency rule was invoked largely due to the Mau Mau activities between 1952 and 1959. This study contends that the ban on African nationalism and political activities most probably denied the Kenyan pre-independence antagonists a forum to thrash out contested issues such as these regarding the disposal of land in the former White Highlands.

In December 1959, with the impending attainment of internal self-government, the British lifted the ban on political activities. African political parties and groups that had been forced to go underground as a result of the ban mentioned above now resurfaced with vigor. The most powerful and influential political parties were the Kenya African

Union (KAU) led by Jomo Kenyatta; the National People's Convention Party (NPCP) led by the Tom Mboya and Kenya Independence Movement (KIM) led by Oginga Odinga and Dr. Julius Gikonyo Kiano.[4]

In preparation for the transition to independence, a series of meetings was organized between the British government and representatives of various political parties and of European farming and business entrepreneurs in Kenya. The principal objective of these meetings was to negotiate independent Kenya's constitutional framework. The meetings were held in Lancaster house in London, hence the Lancaster House Conferences. During the First Lancaster Constitutional Conference held in 1960, deep fissures emerged within the Kenyan delegates on the one hand and between the Kenyan delegates, the representatives of European farmers and the British government on the other regarding a number of thorny issues.

As the meeting progressed, the African delegates increasingly became sharply divided over two major issues. The first one pertained to the modalities to be adopted in distributing land in the former White Highlands to Africans. The second one centered on how to balance political power between the different ethnic groups in a post-independence government. In addition to the foregoing, delegates representing European

[4] KAU essentially an outgrowth of the former East African Association (EAA) and the Kikuyu Central Association (KCA) was predominantly a Kikuyu political party but with a significant non-Kikuyu membership drawn mainly from the urban centers. The NPCP was led by one of the two most eminent Luo politicians and thus attracted a large following from the Luo, Kisii and Luhya ethnic groups in the wider Nyanza region. Last, the other flamboyant and powerful Luo politician, Oginga Odinga teaming up with Dr. Kiano from Embu provided another powerful political base for the Luo and Kikuyu.

farmers also raised deep concerns over the security their farming possessions under the new incoming African-led government.

On the other hand, representatives of the Africans from the Rift Valley and Western Kenya wanted an assurance from the British government that they would be allowed to repossess their respective alienated clan lands upon the departure of the European expatriate farmers and traders. Last but not least, Europeans as a whole demanded to be assured that their farms, property and other business investments would be safeguarded by the State in an independent Kenya. Each group dug deep and remained entrenched in their respective position, ensuring there would be no ceding of any ground to give other protagonists an opportunity to over-run the rest!

Evidently, these demands were diametrically opposed and left the British government in a deep dilemma. Given these circumstances therefore, this inaugural Lancaster House meeting was extremely volatile especially when it came to the issue of land and particularly its ownership and redistribution between Africans and Europeans. The various political parties and interest groups mentioned above remained sharply divided and fiercely antagonistic. Unable to arrive at a consensus between the wishes of the British government; the demands of the Kenyan (African) delegates, and those of the representatives of the European farmers, the British government deferred the independence negotiations to a later date. However, the different African political groups agreed to work together under an interim constitution put together by Sir MacLeod, the Colonial Secretary.

This inaugural meeting to negotiate Kenya's independence did not on address perhaps some of the most important matters outside the constitution brought in by different political parties and ethnic groups. This had a lot to do with the demand by respective African communities for a return of alienated clan lands. The British avoided this issue and in fact, the matter was excluded from the agenda for the meetings. Consequently, delegates from the present Lugari District and its environs encasing the Kabras and Nandi communities returned to the tension-high Uasin Gishu-Lugari District borderlands with the disappointing news from London. There was no hope of regaining alienated clan lands.[5]

8.3 PARTING WAYS: The Question of Land and the KANU-KADU Divide

After the First Lancaster House Conference, the three main political parties – KAU, NPCP and KIM united to from a larger political conglomeration, the Kenya African National Union (KANU) party. This unity heightened the fear of marginalization by the Rift Valley Kalenjin and the coastal ethnic groups from the mainstream of political power in the then on-going independence negotiations. It also brought to the fore, the deep running schisms that had caused divisions among the African representatives to the Legislative Council. The formation of a powerful KANU party thus threw deep scare into other ethnic groups. Fearing domination, other ethnic groups scrambled to form parties to protect their (sectional) interests.

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[5] On the whole, the outcome of the First Lancaster House Constitutional Conference did not meet the demands and expectations of both the Africans ands the Europeans. Though the Africans agreed to work under the interim Macleod Constitution, they raised serious concerns over the high qualifications required to meet voter registration; the proportionally smaller number of Africans on the Council of Ministers and in the Legislative Council and so on. The European delegates rejected the entire Macleod constitutional provisions because none of them addressed their interests: the security of tenure with regard to their land and property.

Masinde Muliro formed the Kenya African People's Party (KAPP) principally to protect the interests of the Luhya people of Western Kenya. The Kalenjin Political Alliance (KPA) followed suit with the principal objective of protecting the lands that had been alienated by Europeans (and also settled by immigrant ethnic groups) in the Rift Valley. The Maasai United Front (MUF); the Somali National Association (SNA) and the Coast African People's Union (CAPU) led by Ronald Ngala were also formed.[6] To protect the interests of the Kamba people, Paul Ngei formed the Akamba People's Party (APP).

In many respects, the proliferation of political parties on the eve of independence undermined the strength and unity in purpose for the nationalist movement. There was also confusion as leaders changed their political party allegiances in line with their respective ethnic or regional alignments. For instance, Masinde Muliro seemed to have abandoned the Kenya National Party (KNP) that he had co-founded with Ronald Ngala and Taita Towett to form KAPP. The same applies to Ronald Ngala who apparently decamped from the KNP to form CAPU. This multiplicity of parties undermined the strength and unity in purpose for the nationalist movement. It denied the Kenyan nationalists a united front to exert pressure on the departing British imperial power for certain fundamental constitutional provisions. This was especially with regard to legal and institutional structures that could serve well to assay such antagonistic relationships and inter-ethnic fears over land ownership and the domination of political power.

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[6] These political parties – KAPP, KPA, MUF, CAPU, and SNA and others later agreed to merge into KADU in an attempt to match KANU's strength and power. For a further discussion of the pre-independence party contests, see for instance B. A. Ogot and W. R Ochieng' (eds.) *Decolonization and Independence in Kenya, 1940-1993.* (London: James Currey, 1995), pp. 62-68.

As it were, soon after the formation of KANU in May 1960, the smaller political parties representing diverse ethnic groups in the Rift Valley and the Coastal provinces came together and formed a new political party, the Kenya African Democratic Union (KADU). At the helm of KADU was Ronald Ngala from the Coast province and Daniel arap Moi from the Rift Valley province. To a larger extent therefore, KADU was formed to defend the rights of the Kalenjin, Maasai, Turkana and Samburu ethnic groups under the acronym, KAMATUSA and those of the Coastal ethnic groups under the Miji Kenda banner in the face of a powerful KANU.[7]

These two main political parties - KADU and KANU differed in many pertinent matters of policy. For instance, while KANU favored a strong, centralized government system and private property, KADU opted for a decentralized government based on regional assemblies akin to a federal system (known as Majimbo in the national Swahili terminology). Second, while KANU favored the allocation of land in the Rift Valley to all deserving Kenyans based on individual ownership and title deed, KADU supported the idea of placing these lands under the control and safe-keeping of regional (Majimbo) assemblies against foreign intrusion.

[7] Though the acronym KAMATUSA refers to the Kalenjin, Maasai, Turkana and Samburu, it represents a much larger political and ethnic constituency. For instance, among the Kalenjin, there are several related sub-groups of the Elgeyo (Keiyo), Marakwet, Kipsigis, Nandi, Pokot, Sabaot, Terik, Tugen, Sebei, and Bongomek. Strikingly, not all the KAMATUSA languages are mutually intelligible. On the other hand, Miji Kenda refers to the 9 principal sub-ethnic groups that comprise the Bantu speakers on the Kenyan Coast. These are the Chonyi, Digo, Duruma, Giriama, Jibana, Kambe, Kauma, Rabai, and Ribe. The coastal groups later joined other diverse political and pressure groups such as Mwambao and so on. For an overview of the Miji Kenda history, see for instance R. F. Morton, "The Shungwaya Myth of Miji Kenda Origins: A Problem of Late Nineteenth Century Kenya Coast History", in The *International Journal of African Historical Studies,* Viol. 5, No., 3 (1972), pp. 397-423.

KADU also stressed that each ethnic group should strive to regain their respective clan lands they possessed prior to colonial land alienation. Thus, the ex-European settler farms and any other land in the Rift Valley would be a domain for the KAMATUSA, much in line with the Majimbo philosophy. Thus, from the onset, KANU and KADU were set on a collision course, especially on the sensitive issue of the distribution of land among different ethnic groups. To cite Karuti Kanyinga:

> "The two political parties that evolved from the colonial period – Kenya African Democratic Union (KADU) and Kenya African National Union (KANU) – were divided by the manner in which they wanted the land question resolved. KADU preferred a *Majimbo* (federal) structure of government fearing the numerically large ethnic groups (Kikuyu and Luo) would dominate smaller groups (Kalenjin, the Miji Kenda and others) and predominate post-colonial economy and polity. They wanted regional assemblies that could control land in their territorial spheres and possibly prevent 'outsiders' from acquiring land outside their regions."[8]

Among the Rift Valley KAMATUSA communities, the Keiyo, Marakwet, Tugen, Kipsigis and the Nandi became the most vocal proponents of the Majimbo system. This position was firmly supported by the then leading figures in KADU such as Daniel arap Moi and Ronald Ngala. To the Kalenjin therefore, a re-location of the "immigrant" ethnic groups in the Rift Valley to their respective pre-colonial clan lands after independence was the sure way of regaining their ancestral lands. The leaders of this erstwhile Majimbo movement also hoped to change the then prevailing system of land allocation or acquisition and ownership that allowed "foreigners" (i.e. non-Kalenjin speakers) taking up land in KAMATUSA country.

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[8] Karuti Kanyinga, "The Land Question and Politics of Tenure Reforms in Kenya," *IRDCurrents No. 15* 1997, p.19.

While the campaign to regain alienated lands went well with the KAMATUSA and the Coastal communities that had lost huge tracts of their ancestral clan lands, this did not augur well with all the ethnic groups living in and within the proximity of the Rift Valley. In the present Lugari Division for instance, Chief Mulupi and other Kabras leaders maintained an ambivalent stand on this issue though they favored the return of alienated clan lands with assured title deed. The Kabras were ambivalent to the Nandi ancestral land claims because they, (i.e. the Kabras) contested for the same lands comprising Kipkarren Farms with their Nandi neighbors in what became the Lugari District.

Indeed, the territory that later comprised the present Lugari District had been take over by the Nandi from the Maasai during the last phase of the territorial wars between these two ethnic groups as elaborately discussed in Chapter Two. Both the Nandi and the Maasai used their respective military prowess to shut out the Kabras from these lands. This premise then explains the persistent campaigns by the Nandi to drive the Kabras and other non-Kalenjin groups out of the lands falling within the Rift Valley along the Uasin Gishu/Lugari and Nandi/Lugari District borderlands as witnessed during the intermittent ethnic clashes from 1991 to 1997. Let us return to our line of argument.

In spite of these sharp disagreements between the Kenyan political parties and interest groups, the British government proceeded with the transition business towards Kenya's political independence. However, during the Third and final Lancaster House meeting, the ideological division between the centralist KANU and federalist KADU hit a deadlock. Faced with the ominous choice between KADU and KANU, the British opted

to support the larger, centrist KANU over the smaller and apparently divisive KADU. The move by Britain was largely anticipated because all along, the British had favored a strong centralized government over the decentralized, federalist arrangement. The British were also very weary of the KADU policy that virtually supported the expulsion of European farmers and immigrant ethnic groups from the Rift Valley and the underlying desire to transfer of land back to the KAMATUSA groups. This accounts for the fact that during the final negotiations of the self-government constitution at the Second Lancaster House Conference, the British struck out the provisions for a Majimbo (regional) government system from the proposed independence constitution for the country.[9]

With the British having chosen sides, Kenya attained its internal self-government in June 1962 with KANU in power and Jomo Kenyatta as the Prime Minister. That Kenyatta would become Kenya's first Prime Minister was sort of perplexing. This is because initially, the British had planned to proceed with the country's independence without Kenyatta and other leading nationalists then in detention.[10] However, in a twist of events, KANU and other African political leaders demanded that the country could not accept internal self-government (or independence) till the detained leaders had been released. In fact, KANU emphasized that Kenyatta was their leader and as such, they could not form

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[9] This aspect is important to this study because it explains the persistence of land claims by the Nandi to their former clan lands in Lugari Division, claims that have been at the center of their war against "foreigners." Again, it should be noted that as the Lancaster House Conferences were proceeding between 1960 and 1962, the Department of Settlement continued with the plans to implement the A Million-Acre Settlement Scheme program. Thus, the question of clan lands was always present on people's minds!

[10] Jomo Kenyatta and other leading Kenyan freedom fighters (often referred to as the Kapenguria Six) were detained by the colonial government at Kapenguria, a remote town in the semi-desert region of northwestern Kenya. The other detainees were Kungu Karumba, Mr. Fred Kubai, Mr. Paul Ngei, Bildad Kaggia and the Hon. Ramogi Achieng Oneko. All of them have since passed on but their legacy still lives on. The prison they were detained in has been turned into a protected national museum.

a government in his absence. This culminated in the historic release of Kenyatta and other detainees ahead of Kenya's first general elections.[11] Thereafter, during the first general elections held in May 1963, KANU won an overall majority over KADU and other smaller parties. On December 12 1963, the country attained full independence with KANU forming the government with Kenyatta serving as the country's first elected African president. Led by Daniel arap Moi and Ronald Ngala, KADU voluntarily dissolved itself in 1964 and joined KANU.[12]

8.4 A DISFIGURED NATION-STATE? Independence and Ethnic Land Grievances.

The attainment of independence in Kenya was an unparalleled national joyous moment. The freedom frenzy and celebration adorned by the new African leadership and citizenry was an enigmatic phenomenon. All over the country, people from diverse ideological, ethnic, racial and cultural backgrounds seemed to put their hitherto pre-independence differences away and joined in the national fetes marking the milestone transition from the end of colonialism to self-rule. The nationalist movement had delivered perhaps its greatest promise – an end to British colonial rule.

However, underneath this seemingly smooth transfer of political power underwritten by the implementation of the land settlement program, the Nandi and the other Rift Valley KAMATUSA ethnic groups felt betrayed over the disposal of land in the ex-White

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[11] For a detailed discussion of the events leading to Kenyatta's election, see for instance George Bennet and Carl Rosberg. *The Kenyatta Election: Kenya1960-1961.* (London: Oxford University Press, 1961).

[12] Daniel T. arap Moi later served as Kenya's vice-president under Kenyatta and succeeded him after his death in 1978. Several KADU leaders were appointed to high positions in the new unified KANU government.

Highlands. The expectations of regaining alienated clan lands were clearly not being addressed by the on-going settlement program.[13] Indeed, as the settlement program progressed, the alienated lands in the present Osorongai and Lugari Divisions were handed over to the government and the Settlement Fund Trustees (SFT) for onward inclusion in the settlement land program. The Land and Settlement Board then proceeded to survey these lands together with those acquired from other neighboring farmers such as Mr. Ruysenaars and Mr. "Mafwifwe" to create the present day Chekalini, Lugari, Murgusi and Lumakanda settlement schemes. Across the Kipkarren River, the former Nandi pre-colonial clan lands in the Kipkarren Farms estates were converted into the present Kipkarren Salient and Osorongai settlement schemes.

On the whole, the settlement scheme program ushered in a new system of land ownership not only in Lugari Division but also in other parts of the country where it was implemented. As discussed in Chapter 5, between 1961 and 1965 the SFT selected qualified landless and unemployed families in the over-populated parts of Western Province such as Maragoli and Bunyore who were then given SFT loans to purchase land in the "Luhya" schemes in Lugari, Chekalini and Mautuma.

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[13] However, the discussion in this study demonstrates the failure to address ancestral land claims was not limited to the KAMATUSA alone. Indeed, the continued departure of willing European farmers and the implementation of this program did not deliver former clan land back to any of the Kenyan groups – be it the Kabras in Lugari Division, the Kikuyu in Central Province, the coastal Bantu groups, or the respective KAMATUSA communities in the Rift Valley. Various sources discuss this matter in detail. See for instance, Diana Hunt. *The Impending Crisis in Kenya: The Case for Land Reform.* (Aldershot: Hampshire/Brookfield, VT.: Gower, 1984);Christopher Leo, "Who Benefited from the Million-Acre Scheme? Toward a Class Analysis of Kenya's Transition to Independence." in *Canadian Journal of African Studies* Vol. 15, No. 2 (1981), 201-222. Christopher Leo, *The Political Economy of Land in Kenya: The case of the Million-acre Settlement Scheme.* (Toronto: University of Toronto Press, 1976).

Across the river, Nandi squatter families and those identified from the former Nandi Native Reserve in Kapsabet were allocated land in the new Tapsagoi, Sugoi, Kipkarren Salient and Osorongai settlement schemes among others. Those who missed out were allocated land across the river in the present Lugari Division in Murgusi and partly Lumakanda settlement schemes. Ethnically mixed schemes such as Lumakanda, Likuyani and Sergoit along the Uasin Gishu-Lugari District boundary had a diverse ethnic composition of settlers from different parts of the country (though they were mainly dominated by Kikuyu, Kamba, Kisii, Luhya and Luo speakers). Essentially therefore, though land in these schemes was allocated to landless and unemployed African families, the thrust of the settlement program did not specifically address the issue of returning alienated pre-colonial clan lands.

Despite the often-debatable performance of the A Million-Acre Settlement Scheme program, this study contends that some ethnic communities in Kenya felt cheated out because they did not realize their land-related expectations both during and after independence. The Rift Valley KAMATUSA communities, in particular the Nandi, Kipsigis, the Mt. Elgon Sabaot and the Maasai felt short-changed by the new land re-settlement program under the ambit of the A Million Acre program. To a larger extent, such communities that had expected a huge windfall in terms of land grudgingly accepted the implementation of the new settlement program.

That the interests of various disenfranchised communities were not satisfactorily addressed during the independence period and the land resettlement program is in itself a

great pointer to the root cause of the latter-day intermittent explosion of violence especially by the Kalenjin to expel "foreigners" from their former clan land. This inter-ethnic tension has impacted significantly on the system of land ownership in Lugari Division and accounts largely for the contemporary surge in land sales after the first wave of ethnic conflicts in 1991-97. On the other hand, ancestral land claims by groups such as the Nandi that have culminated in members of the non-Kalenjin land owners in the Rift Valley being illegally dispossessed of their plots of land have grievously emasculated the security of tenure supposedly engrained in the land title deed.

The foregoing discussion demonstrates that the dynamics of the interplay between pre-colonial clan land claims and contemporary ethnic conflicts in Lugari Division perceived against the backdrop of the system of land ownership is a complex matter. Its complexity cannot be fully comprehended without delving into this political history detail. For instance, though KADU seemingly dissolved itself voluntarily to join KANU in 1964, this was, as it has later turned out not a whole-hearted decision. Apparently, the Rift Valley KADU members felt cheated and betrayed by the British and KANU under the majority Kikuyu and Luo because of two main reasons.

First, the Kalenjin felt betrayed by the British for taking sides with KANU because rather than advocate for a return of the former alienated lands back to their original clans, the British government and the newly elected President Kenyatta (and KANU) supported a re-distribution of the former White Highlands to deserving landless Kenyans. In fact, KANU strongly supported the multi-ethnic settlement of Kenyan ethnic groups all over

the country.[14] This position was aggressively fronted and supported especially by the Kikuyu who, apart from having lost some of the best farmlands to colonial land alienation, also stood to benefit most from an open land ownership policy in the Rift Valley because there were already large concentrations of Kikuyu present in the province.[15]

In addition, the KAMATUSA hopes for regaining clan lands suffered a major setback when President Kenyatta and KANU opted for a continued harmonious co-existence with the willing and remaining European settlers. When some Kalenjin politicians insisted on repossessing such from the Europeans after independence, President Kenyatta moved fast to issue a strong official rebuttal of such views. Kenyatta issued a strong assurance to the European community that their land and property would be fully protected by his government, a promise strategically delivered in Nakuru, the then hub of the White Highlands.[16] In retrospection, and in view of the latter-day Kalenjin onslaught against non-Kalenjin land owners in the Rift Valley, it is clear that the apparent lull in KADU calls for their land rights following this was just but a deception.

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[14] The Kalenjin and other ethnic groups have continuously questioned the Kikuyu commitment to uphold this pledge. Many Kenyans believe the Kikuyu have consistently conducted themselves in an untrustworthy manner. For instance, while the Kikuyu promote the idea of Kenyans being free to settle anywhere all over the country, this apparently applies only to the Kikuyu because there is hardly any non-Kikuyu who has ever settled or bought land (or even established competitive business) in Central Province without being attacked and rundown by the Kikuyu. Even simple hawkers from other parts of the country cannot operate in the main Kikuyu towns. They are always being robbed and killed or both. This explains in the main the strong anti-Kikuyu sentiments among the Kalenjin and other groups.

[15] The Kikuyu formed perhaps the largest landless and squatter population the adjoining region between the Rift Valley and Central provinces. There was also a large number of displaced Kikuyu families already settled in the Rift Valley, and parts of the Western, Nyanza and Coastal provinces. This ethnic distribution of the Kikuyu has not changed much to this day.

[16] This assurance contributed to the extension of stay of some of the European settlers in Lugari Division such as Mr. Rocken Smith, Mr. Loveland, and Mr. Ruysenaars' elder son at the present Mwamba Township while others such as Mr. Goodler, distrusting the new African government, offered their estates for sale and left the country.

8.5 Unsecured Land? The State and Ethnic Conflicts over land in Lugari Division

The apparent successful implementation of the Million-Acre and other land settlement programs however did not mark the end of the dynamism in the system of land ownership in Lugari Division in particular and elsewhere in the country. Our discussion in Chapters Five to Seven demonstrated that these land resettlement programs marked the beginning of a new phase in the system of land ownership not only at the local but also at the national levels. The first phase emerged in the period between roughly 1968 and 1977 when large tracts of gazetted government land and land set aside for future expansion of national agricultural research and peasant settlement programs were de-gazetted and offered for sale to Kenyans. The Kikuyu community as a whole became the largest beneficiary of this land either by direct allotment through state-sponsored settlement schemes or through purchase. Unlike other ethnic groups in Kenya, the Kikuyu formed numerous companies whose prime objective was to buy such land.

President Kenyatta and top government officials (especially from the Central Province) availed huge monetary donations, and loans through state banks to a wide range of Kikuyu women's groups, land buying companies, and self-help organizations. The financial assistance was aimed at enabling these groups to start or expand business enterprises and to buy land. The most famous self-help groups included Nakuru District Ex-Freedom Fighters Association (NDEFFO)[17] and Witeithie[18] while the largest and

[17] NDEFFO- an acronym for Nakuru District Ex-Freedom Fighters Association comprised of a less capitalized welfare organization of ex-Mau Mau freedom fighters that pooled their meager monetary resources to buy land in the Nakuru area for settlement after waiting in vain to be allocated land by the then post-independence Kenyatta government. It is said that upon persistence demands by these ex-Mau Mau for allocation of land in recognition for their fight for independence, President Kenyatta told them that they had to work hard and buy land for there was "nothing free" in independent Kenya!

highly capitalized companies were GEMA Holdings,[19] Ngwataniro[20] and Nyakinyua Women's Group.[21] These organizations and companies worked both separately and jointly in the quest to buy land and support Kikuyu economic entrepreneurship. They provided the Kikuyu with an exclusive opportunity to develop a complex web of integrated financial linkages and partnerships between and among these organizations and their financial patron institutions.[22]

The principle and practice of mutual financial and logistical assistance among the Kikuyu was prevalent. For instance, the smaller and less financially capitalized groups such as Ngwataniro could get loans from a GEMA-funded financial institution or Bank to purchase subsidized land owned by Nyakinyua. Nyakinyua would in turn buy subsidized

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[18] Witeithie (which virtually means "help yourself" in Kikuyu was also a much smaller company in contrast to the giant GEMA whose members sought bank loans to assist one another buy land or start business or both.

[19] GEMA, an acronym for Gikuyu, Embu, and Meru Association was formed in 1971, representing the three main Central Kenya Kikuyu communities. At its apex, GEMA was a leading Kenyan Multi-National Corporation with vast business interests throughout Eastern Africa encasing thousands of acres of land belonging to its members most of it under lucrative business e.g. coffee, export flowers, dairy production, horse-breeding, beef cattle and wool sheep. GEMA also had huge shares in the beer brewing, public transport, long distance road hauling, coffee export, banking, manufacturing, processing, and even the tourist industry.

[20] Ngwataniro (from "ngwatanira" meaning helping one another carry a load in Kikuyu language) was one of the biggest Kikuyu companies centered in the Rift Valley province and whose primary concern was buying land for its numerically–strong Kikuyu membership. It was mainly a women's land buying company and it is credited with settling more than 50% of the entire Kikuyu ethnic group in various parts of the Rift Valley province where it assisted its members buy land such as Burnt Forest in Uasin Gishu District; Molo, Olenguruone, Narok, Cherangani, Naivasha, Mau Narok, Saboti and Gilgil. These have been hot spots in ethnic clashes.

[21] Nyakinyua Women's group was among the most powerful and dynamic land buying and business entrepreneurship Kikuyu organization second only to GEMA. It's patrons ranged from Kenya's then First Lady, Mama Ngina Kenyatta to the wives of Kikuyu Cabinet ministers and top-ranking Kikuyu women in both the private and public sectors. There is no single major urban center or farming area in Kenya where Nyakinyua did not buy land for its members.

[22] It is also common to find rich and enterprising individuals from this ethnic community pooling their financial resources and expertise to help other needy Kikuyu to establish business enterprises. In such ways, thus, the Kikuyu have succeeded in bypassing the high costs of obtaining bank loans to start business enterprises. The underlying aim of these linkages and intra-ethnic entrepreneurial partnerships has been to help the undercapitalized Kikuyu accumulate wealth and escape the grip of landlessness, poverty and want.

urban reserve land from the government using the money accruing from the sale.[23] The land in question would in turn be sold at a huge profit to state or non-Kikuyu owned urban housing agents with the profits being converted by Nyakinyua into share holdings in GEMA Holdings. The cycle of the movement of capital would then begin the other way round.

The Kikuyu were able to exploit their close association to President Kenyatta and his ruling elite (and hence to the state) to accumulate huge expanses of fertile land especially in the Rift Valley using such obscure financial maneuvers. They purchased and settled on land in groups such as Kondoo Farm in Burnt Forest of Uasin Gishu District or on individual basis as witnessed virtually all over the country. Many Kikuyu families owned more than one piece of land acquired through these land-buying companies and other financial outfits.

Towards the end of the 1970's, GEMA had grown into a huge conglomerate with perhaps, one of the highest capital share holdings in Eastern Africa. Government officials from the Kikuyu ethnic group placed in strategic places by president Kenyatta assisted these rich Kikuyu organizations to buy huge tracts of ex-White settler and de-gazetted government land for the allocation to members of their groups.[24] Several oral respondents from the Kikuyu community interviewed in Lugari Division (and who were not among

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[23] There is widespread contention in Kenya's financial circles that these powerful Kikuyu financial outfits hardly ever repaid the original loans owed to the Banks.

[24] Indeed, at the height of this Kikuyu land buying activities in the mid to the late 1970s, Kenyatta had entrenched his Kikuyu henchmen at the hierarchy of the Rift Valley administration. There was a Kikuyu Provincial Commissioner, numerous Kikuyu District Commissioners, District Officers and members of the Criminal Investigation Department (CID) and Special Branch. This sowed the seeds of discord between the immigrant Kikuyu settlers and the Kalenjin.

the original settlers) stated that they raised their initial capital to purchase land through their membership to organizations such as GEMA, Nyakinyua and Ngwataniro. That the Kikuyu exploited their closeness to the state and President Kenyatta's patronage to acquire land brings to the fore the question of the role of the state in land matters. Let us briefly consider this aspect.

Literature on the relationship between the state and land ownership in African countries has been growing in recent times.[25] A comprehensive analysis of this aspect has been slow due to the multiplicity and complexity of diverse land ownership systems across the African nation-states. However, studies[26] carried out in the last decade or so points to the fact that more often than not, the State has played a key interventionist role in land ownership matters. In ex-settler economies such as Kenya, South Africa and Zimbabwe, the state has been more interventionist in contrast to non-settler states. This emanates from the fact that in settler economies, the colonial government alienated clan lands and put all lands in the colony under the control under the colonial state. This led to the evolution of a unique relationship between the state, land and the citizens. In Kenya for instance, the state quickly became extricated from the core values of the communities

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[25] For a representative overview of the relationship between the state and land, see for instance Donald Crummey (Ed.) *Land, Literacy and The State in Sudanic Africa* (Trenton, NJ: Red Sea Press, c2005); Sam Moyo African *Land Questions, Agrarian Transitions and the State: Contradictions of Neo-Liberal Land Reforms.* (Dakar, Senegal: Council for the Development of Social Science Research in Africa. CODESRIA, 2008).

[26] Research publications on recent attempts at reforming the system of land ownership in African countries is limited to a few countries especially Zimbabwe and South Africa owing to the political peculiarities of these nations. A good glimpse of the issues discussed in such instances can be seen in for instance, Aninka Claassens and Ben Cousins (eds.) *Land, Power & Custom: Controversies generated by South Africa's Communal Land Rights.* (Durban: Legal Resources Centre; Athens, OH: Ohio University Press, 2008); Kojo Sebastian Amanor and Sam Moyo (eds.) *Land and Sustainable Development in Africa.* (London; New York: Zed Books, 2008).

with regard to land ownership. Land became a sort of commodity that could be dished out at will to close allies and favored groups.

The predatory attitude embraced by many states in Africa towards land and other vital national resources is not limited to Kenya. In many instances, the state and its leadership in Africa tend to act as if divorced from the nation's resources. Thus, rather than serve as an agent of enabling competitive utilization of such resources, the state has been at the lead in making decisions that move in the opposite direction! This has been witnessed for instance, in the way the state has allocated vital farmland to destructive alien industrial plants.[27] In Kenya for instance, the state has been extremely central in the allocation of hitherto fertile public land to private entrepreneurs, some of whom use the land in a destructive way. To cite Kjell J. Havnevik:

> "The role of the state in Africa vis a vis the land question is a highly contentious one. In particular its interventions, manipulations, massive alienation of land belonging to smallholders and pastoralists held under customary tenure systems in the name of resettlement and restructuring or for accommodating externally driven projects and foreign investors, have clearly illuminated the lack of protection by law of such tenure...Where property rights systems have been launched attempting to replace existing customary tenure systems, such as in Kenya, conflicts have arisen on various fronts relating to adjudication and land consolidation. The growing incidence of double allocations, irregularities in allocation, confusion over allocation procedures, and the use by the state of land for mobilizing patronage relations based on ethnic affiliation, add to the undermining of the individualized tenure system as well. Experiences from Kenya show that the state itself contributes significantly to undermine any of the existing rights system." [28]

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[27] There are numerous instances where states especially in poor, unstable countries such as Somalia have often agreed to the disposal of nuclear waste material in vital community lands or fishing waters in return for meager payment from the West.

[28] Kjell J. Havnevik, "The Land Question in Sub-Saharan...", 1997, p.7.

Recent research on land ownership in countries like Zimbabwe[29] and the evidence from the case in Kenya[30] demonstrates that just like the state has been heavily censored for concentrating excessive executive and political power in some offices, so has the case been in regard to possessing the unchallenged mandate to allocate public land. The state in Africa has high tendencies of adopting predatory behavior towards national resources such as minerals, reserve land and forests among others. Besides the controversial land transfer situation from European to Africans in Zimbabwe, nowhere else in Africa has the use of land to buy or appease political support been exemplified as happened in Kenya during the reign of President Daniel T. arap Moi. President Moi virtually subdivided up hundreds of thousands of top-range, fertile agricultural prime land mean for the National Agricultural Research Station (NARS), The Kenya Seed Company, and the Kenya Agricultural Research Institute (KARI) among others and dished them out to his political supporters. Part of the land was also distributed to key and favored army officers and members of the security forces. As Karuti Kanyinga observes:

> "The state (in Kenya) gives land as grants to political elites not for purposes of economic development and development of indigenous capital but principally for purposes of maintaining patronage relations and of securing political loyalty. ....The state's practice of individualizing public land according to political considerations has created more people without rights to land and has generated new types of disputes over ownership."[31]

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[29] See the insightful discourse in Jocelyn Alexander. *The Unsettled Land: State-Making & The Politics of Land in Zimbabwe, 1893-2003.* (Oxford: James Currey; Harare, Zimbabwe: Weaver Press; Athens, Ohio: Ohio University Press, 2006); Sam Moyo, Kirk Helliker and Tendai Murisa (eds.) *Contested Terrain: Land Reform and Civil Society in Contemporary Zimbabwe.* (Pietermaritzburg: S & S Publishers; Harare: African Institute for Agrarian Studies, 2008).

[30] Lumumba Odenda, *Who Owns This Land?: A Guide to Understanding the Law of Trust Lands in Kenya.* (Nairobi: Kenya Human Rights Commission, Land Rights Program, 1997); Karuti Kanyinga, "Struggles of Access to Land: The Land Question, Accumulation, and Changing Politics in Kenya." (Nairobi, Kenya: *Institute for Development Studies,* (IDS), University of Nairobi, 1996).

[31] Karuti Kanyinga, "The Land Question....", 1997, p. 20.

It is extremely disconcerting that in Africa, the state and its leadership have been on the forefront of corruptive practices in the system of land ownership by engaging in such illegal land allocation activities. It is very unfortunate that the state in Africa has been at the lead in making decisions that culminate in the misuse or underutilization of land and other crucial productive resources. There are many instances where the state has allocated fertile farmland to destructive alien industrial plants or agreeing to the disposal of nuclear waste material in vital community lands in return for meager payments from the West. For instance, it has been hypothesized that the dumping of nuclear waste in the fishing waters off Somalia's coast have precipitated the destruction of the hitherto flourishing fishing industry and the resultant resort by locals to other illegal activities for survival.

The foregoing discussion demonstrates the interventionist role the state plays in land ownership in Kenya. Indeed as mentioned above, during the reign of President Kenyatta, state resources were purposefully channeled towards Kikuyu land buying and agro-industrial concerns that helped members of this ethnic group to acquire huge tracts of land in the most fertile parts of the country. By 1980, the Kikuyu had purchased and settled on large tracts of some of the top-range farmland in Kenya especially in the prime farming Rift Valley districts of Trans Nzoia, Uasin Gishu, Nakuru, Naivasha, Elburgon, Kericho, Njoro, Laikipia, Molo, Narok and Kajiado –much to the chagrin of the native Rift Valley communities.[32] Given the protracted struggle between KADU and KANU during the independence days over the Majimbo issue, the influx of mainly the Kikuyu

[32] It is claimed that Kalenjin leaders prevailed upon President Moi to "cut down to size" Kikuyu organization such as GEMA to reduce their influence and financial muscle power. This was especially in regard to buying land and dominating business in the Rift Valley. Indeed, one of the first major assignments on President Moi's desk when he assumed the presidency after Kenyatta's death in 1978 was to ban all "tribal" organizations, GEMA included!

and other ethnic groups into the Rift Valley generated a lot of resentment from the native KAMATUSA groups.[33]

This resentment was heightened during the re-introduction of multi-party system and economic liberalization when the then president Daniel arap Moi drummed up ethnic sympathy and support mainly from his Kalenjin speakers and other KAMATUSA in the face of insurmountable political challenge from the pro-multi-party proponents. That the question of ethnicity and land ownership would emerge as the key component in this otherwise seemingly obtuse political struggle is a demonstration of the significance of land ownership in Kenya's rural and national political matters. And it is to this aspect that we briefly turn our attention.

8.6 The Politics of Democratization, The Question of Land Ownership and Conflict

The period following the end of the Cold War engendered far-reaching changes in the social, economic and political lifestyles of many societies especially in the Third World. The radical change over from the previous dictatorial single-party regimes to the adoption of multi-party, democratic government systems ushered in a new political era. Among the most fundamental changes wrought by this phase was the push towards opening up political and economic space. These aspects were encapsulated in the calls for democratization and liberalization of the economic sphere.

[33] This explains why during the post-cold war pro multi-party politics spearheaded by the Kikuyu and Luo against the incumbent government of President Moi, the Kalenjin sought to retain control and domination of national political (and local economic) power by invoking Majimboism and calling on the Kikuyu and other "foreigners" to leave the Rift Valley and go back their original homes.

Liberalization unleashed a flood of resources and aggressive competitiveness unknown in many hitherto "closed" or restricted economies. In the case of our area of study and Kenya as a whole, this process produced a unique intersecting matrix of politics, ethnicity, land and the question of "self-preservation" or "survival." These aspects were perceived against the backdrop of the fear of domination and being over-run by the more powerful economic forces, ethnic or interest groups. With unparalleled rapidity, the push for democratization and liberalization quickly crystallized around the question of land and political power (read the presidency). The political scene in Kenya became hotly charged akin to the pre-independence contestation between KANU and KADU ideological blocks.

But not all individuals and interest (ethnic) groups perceived the push towards democratization and economic liberalization in their legitimate ideological context and the new post-Cold War paradigm. Not even when democratization was presented within the paradigm of increased political space and participation for all citizens. In particular, President Moi, the Rift Valley KAMATUSA politicians and communities perceived the push for multi-party government system as an anti-Kalenjin onslaught on their political and economic power base. They became very sharp opponents to the new post- Cold War quest for the adoption of multiparty democratic initiatives.

Consequently, as the pro-multi-party crusaders campaigned for the transition, President Moi, prominent Rift Valley leaders and the rest of the KAMATUSA communities began a counter-campaign. Rather than embrace the new movement, they called for an adoption

of a Majimbo government system. They underwrote their position by demanding the departure of non-Kalenjin from the Rift Valley back to their respective ancestral homelands. President Moi worsened the diametric situation by overtly insisting that multi-party politics would bring inter-ethnic strife in the country.

The thrust of these demands coalesced into what became known as Majimboism mentioned above. The Rift Valley KAMATUSA communities insisted that they were entitled to their political opinion and since they differed with the pro-multiparty proponents, they demanded that the latter should as well leave the Rift Valley. KAMATUSA leaders revisited the Majimbo proposition taken by their communities under KADU on the eve of Kenya's independence. Based on this disposition, they now demanded that each ethnic group revert back to their pre-colonial ancestral lands. This would form the core of the regional government system under Majimbo.

In the case of our area of study and based on this premise, the Kalenjin claimed the hitherto contested lands covering parts of Lumakanda, Murgusi, and Kipkarren settlement schemes.[34] A majority these settlement schemes lie in the present Lugari Division (and are predominantly settled by non-Kalenjin speakers under the auspices of the A Million Acre settlement scheme program). As expected, these claims quickly drew Lugari Division into the emerging violent inter-ethnic conflagration over political power land ownership.

[34] It should be noted that the claims made by the Nandi and other Kalenjin groups incorporated all the land under the present Sergoit, Likuyani, Soy, Nangili, Sango, Moi's Bridge and Matunda settlement schemes under the A Million Acre Settlement scheme program.

The calls for Majimboism and the rising inter-ethnic tension between the Kalenjin on the one hand and the non-Kalenjin ethnic groups on the other drove deep fears among the latter in the Rift Valley. There was legitimate fear for their personal security and that of losing their lands (and hence, livelihoods). Within a brief period, it became evident that these fears were not unfounded. The calls for non-Kalenjin speakers to return to their ancestral lands were soon followed by organized violence. Kalenjin warriors attacked Kikuyu, Luhya, Kisii and Luo families in the neighboring Kipkarren Salient, Osorongai, Sugoi and Tapsagoi settlement schemes. These schemes are located in a juxtaposed area at the intersection of Uasin Gishu, Nandi and Lugari Districts but on the Rift Valley side. Armed Kalenjin warriors crossed the Kipkarren River and attacked non-Kalenjin settlers in Kipkarren River, Lumakanda, and Murgusi settlement schemes. Inter-ethnic violence along this territorial boundary of the Lugari/Uasin Gishu and Lugari/Nandi districts escalated rapidly. The violence resulted in high fatalities and wanton destruction of property worth millions of Kenyan shillings. Similar attacks also occurred in different parts of the Rift Valley province such as Kondoo Farm in Uasin Gishu District and further away in Meteitei Farm in Kericho district.

Stripped off their farms, homes and property and hunted by Kalenjin militia, thousands of non-Kalenjin settlers in Nandi and Uasin Gishu districts across Kipkarren River either abandoned or hurriedly sold off their lands in the Rift Valley at throw-away prices. A few exchanged their lands with departing Kalenjin settlers in Lugari District.[35] Similarly, this tension also made Nandi families in Lugari Division to hurriedly sale or abandon their

[35] Among the first non-Kalenjin fugitives to leave the Rift Valley were the Luhya. They descended on the neighboring Lugari District looking for land upon which to settle. This influx is one of the main factors that have contributed to the increase in the sub-division and sale of family plots.

plots altogether and flee towards the safety of Nandi country across the Kipkarren River. The resulting land clashes caused a major upheaval in the system of land ownership by violently uprooting communities on either side of the ethnic divide.[36]

From 1991 to 1997, intermittent attacks by Kalenjin militia on non-Kalenjin groups in Lugari Division were justified on the basis that the better part of Lugari District comprised part of the seasonal clan pasturelands of the Nandi on the eve of colonial land alienation. But this argument proved to be largely untenable. This is because numerous communities all over the country lost vast stretches of their clan lands to colonial land alienation. The story of the creation of White Highlands and African Native Reserves has well been told in Chapters Three to Five above and need no detailing here. The resulting system of land ownership under colonialism and the post-independence land allocation programs make it very hard for the country to revert back to pre-colonial clan land ownership patterns.

Further, if the Kalenjin argument has to stand, then the so-called expatriate immigrant ethnic groups in other parts of Kenya such as the Central, Coastal, Western and Eastern provinces could also be asked to return to their ancestral lands! This would amount to a

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[36] Since the first break out of inter-ethnic warfare in Kenya in 1991, there has been growing literature on the aspect of contemporary ethnic conflicts in Kenya. This literature has been extensively cited in the foregoing chapters. However, for a quick reference see for instance, Bertha Kadenyi Amisi, A Crisis in the Making: Conflict in the Rift Valley and Western Kenya. The Joan B. Kroc Institute for International Peace Studies, *Occasional Paper No. 12,* 2003l; Joshua Kivuva. "Managing Ethnic Conflict in a Democratizing Africa: Lessons from Kenya and Zimbabwe." *Paper presented at the annual meeting of the Midwest Political Science Association 67th Annual National Conference,* The Palmer House Hilton, Chicago, IL, April 24, 2009; John Oucho. *Undercurrents of Ethnic Conflicts in Kenya.* (Leiden; Boston: Brill, 2002); Walter O. Oyugi *Politicised Ethnic Conflict in Kenya: A Periodic Phenomenon.* Addis Ababa: CAFRAD/UNPAN, 2002.

momentous demographic upheaval and economic dislocation. But this is not to deny any legitimate land ownership issues the Kalenjin may have.

The foregoing discussion demonstrates that the momentous democratization process and economic liberalization changes took on sharp ethnic divisions that polarized inter-ethnic relations in politics. These divisions quickly filtered into the sphere of land ownership both in the Rift Valley and along the boundary between the Rift Valley and Western provinces. Different Kenyan communities that had co-existed peacefully for many decades were now fighting against each other over political power and control of the state. The Kalenjin in the Rift Valley called for the expulsion of other ethnic groups based on the Majimbo thesis discussed above.[37] Thus, it is in such a manner that the dynamics of politics at the national level have impacted heavily on local inter-ethnic relations and on the system of land ownership.

8.7 Ethnicity and Local Perspectives on Land Ownership

The introduction of a new system of land ownership based on individual parcels and registered title deed was aimed at harmonizing the diverse forms of land ownership in different socio-economic and cultural parts of Kenya. This emanated from the fact that the diverse ways in which different communities perceived and interpreted the concept of "land ownership" made in very difficult to apply a unitary land administration system.

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[37] Throughout the study period, there have been such intermittent demands by the Kalenjin. By 2000, thousands of non-Kalenjin families evicted from their plots of land in settlement schemes such as Meteitei Farm in Kericho and Kondoo Farm in Uasin Gishu district etc have been prevented from returning to their plots by Kalenjin militia and/or vigilante groups. There are some studies that discuss the role of politicization of land claims by the Kalenjin in the break out of ethnic clashes in 1992-1997 and thereafter. For an informative detailed reading, see for instance Jacqueline M. Klopp, ""Ethnic Clashes" and Wining Elections: The Case of Kenya's Electoral Despotism", *Canadian Journal of African Studies*, Vol. 35, No. 3 (2001), pp. 473-517.

For instance, in Chapter Two, this study elaborated the diametrically opposed ways in which the (Highland) Nilotic Nandi and the neighboring Bantu Kabras perceived land ownership as contrasted to territorial control.

In this context, it is important to understand the contrasting parallels in the way communities along the Lugari-Uasin Gishu Districts borderlands have historically perceived the aspect of "land ownership" and "security of tenure" in land. As mentioned above, the Nandi considered any land that they grazed seasonally and permanently or any territory once occupied by their forefathers to belong to them. In this context therefore, the Nandi would claim the lands covering the eastern part of the present day Lugari District. In other words, all the land that was converted into settlement schemes in Lugari and Likuyani Divisions would fall in this category.[38]

Unlike the semi-pastoralist Nandi, the neighboring sedentary Luhya Bantu sub-groups of Kabras, Tachoni, and Isukha had permanent settlements surrounded by perennial crop farms and pasturelands. To these groups, any land that has been continuously occupied and cultivated by the preceding kinship members is perceived to belong to them. It is on this premise that the Luhya sub-group of the Kabras has laid claim to the other half of the land in the present-day Lugari District falling on the northern side of the Kipkarren River.

[38] As mentioned above, the Nandi lay claim to the entire block of land between River Nzoia and the Kipkarren River. Today, this huge of land contains 17 settlement schemes including Soy, Sergoit, Sango, Likuyani, Lugulu, Matunda, Kongoni and Nzoia in Likuyani Division and Lumakanda, Chekalini, Murgusi, Mautuma, Lugari, Milimani, and Mautuma Central (Scheme Mpya) settlement schemes in Lugari Division.

Thus, to both the sedentary cultivating Bantu and semi-pastoralist Nandi, in the face of societal instability precipitated by phenomena such as inter-ethnic strife, lack of secured access to land, claims to ancestral land become a powerful attraction. Such claims to land appear to supersede latter-day market-based land acquisition through purchase or state sponsored land allocation. It is discernible that among these groups, the possession of state-issued individual title deed is perceived as an added advantage to help in enforcing the premise of owning land. This perhaps explains why the Kalenjin have been very bold in relation to disregarding the claims of land based on title deeds held by non-Kalenjin groups in the Rift Valley. This study recommends that such deep-seated land issues should be addressed elaborately within the context of a new robust land law. Such an exercise should also be carried out in an open democratic manner otherwise the issue of ethnicity and pre-colonial clan land claims will remain to haunt national unity and rural stability in Kenya for a long time to come.[39]

The foregoing observations are important in understanding the trajectory of change in the system of land ownership among the Kabras and the Nandi who have shared the geographical territory of Lugari Division for many years. The pre-colonial systems of land ownership of these two groups suggest that indigenous land ownership rights remain resilient. Their resilience however does not necessarily imply that they could be inimical to other demographic, social, economic, political, technological and ideological dynamics. This is especially in the face of such indigenous rights operating within a weak framework of state-sponsored land title system. The resilience in this instance has been

[39] Macharia Gaitho, "All this Talk about 'Ancestral Land' is Sheer Resentment", Commentary. *Daily Nation* Tuesday, February 26, 2008.

precipitated by insecurity in title deeds occasioned by corruption and by other stronger, competing classes capable of sidestepping the state's legal system. Yet the official government policy and "universal wisdom" perceives registration and the individual title deed as the unquestionable enigma of security of tenure in land.

The selective allocation of hitherto public land to favored ethnic groups and individual under both President Kenyatta's and Moi's regimes emphasize the urgent need to develop a robust land ownership law in Kenya. It also underwrites the urgency to re-settle landowners who were illegally evicted out of their lands during the land clashes. In this regard, this study argues that the apparent failure by various state-sponsored land reform programs to re-distribute land more equitably among Kenyans and immigrant expatriate farmers is one of the major drawbacks in the quest of for a robust land ownership policy reform in Kenya.

This is because the failure to address diverse land issues and to re-distribute land equitably among the Kenyans has entrenched deep inter-ethnic disparities and suspicions with regard to land ownership. These suspicions remain at the core of contemporary inter-ethnic contests and conflict over land in Lugari Division. That these claims remain unsolved today explains in the main the intermittent ethnic clashes over land in the

Western, Rift Valley and other parts of the country, a trend that is rapidly threatening to re-draw Kenya's boundaries along ethnic lines.[40]

Contemporary evidence from studies carried out in similar rural settings suggests that as population pressure on land increases alongside technological changes, agriculture increasingly becomes commercialized with a corresponding increase in urbanization. For example, the level of urbanization in Lugari Division has been increasing rapidly and today this area is said to be 45% urbanized.[41] Under normal conditions, rapid urbanization tends to act as a catalytic factor in driving customary land tenure rights to evolve into more versatile and alienable individual rights.[42]

However, rather than witness this sequence of change, the patterns in Lugari Division project a different situation. This distortion of the bundle of tenure rights has resulted from undue interference into policies governing land ownership by the state and politicians. Such instances of corruption in land matters are deplorable. (However, we have to hasten that this development is not limited to our area of study but the trend is evident in such of Kenya's smallholder farming areas). Let us briefly address these aspects in the light of their impact on the system of land ownership in our area of study.

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[40] Jeffrey Gettleman, "Signs in Kenya of a Land Redrawn by Ethnicity", *The New York Times*, February 15, 2008.

[41] The *Lugari District Development Plan, 2002-2008* states that 90% of the District's population lives in rural areas and 45.5% of the district total area falls under the urban classification (p.7). Some sources put the level of urbanization at a much lower figure of 30%.

[42] This process has been adequately discussed by Shem E. Migot-Adholla, et al. Indigenous Land Rights Systems in Sub-Saharan Africa: A Constraint on Productivity?" *The World Bank Economic Review*, Vol. 5, No. 1 (Jan., 1991), pp. 155-175.

8.8 Ethnic Conflicts, the Question of Rights to Land and Sanctity of the Title Deed

The study of the changing system of land ownership in Lugari Division cannot be complete without a mention of the role and impact of inter-ethnic conflicts on land ownership. As mentioned above, the post-Cold War democratization and political liberalization initiatives in Kenya quickly coalesced around the triangular aspects of ethnicity, land ownership and political power struggles. Almost as "prophetically" forewarned by the then President Moi that multiparty politics would bring about inter-ethnic animosity, inter-ethnic conflicts broke out in the heartland of the Rift Valley in Kericho and rapidly spread to other parts of the Rift Valley and Coastal provinces. Recently a focus of numerous studies[43] and investigations,[44] a comprehensive discussion of land-related ethnic conflicts in Kenya would call for a full study on its own; an aspect that is outside the ambit of this study. Consequently, we will only highlight those aspects that relate directly to the thrust of this study.

As alluded to severally above, one of the most important aspects in a system of land ownership is the place and role of the land title deed. An integral component of security of tenure in land is the sanctity of the title deed. A high level of security of tenure in land

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[43] There is growing literature on contemporary studies focusing on the land question in Kenya. For a quick reference, see for instance Kenya Human Rights Commission (KHRC), *Ours by Right, Theirs by Might: A Study on the Land Clashes.* (Nairobi: The KHRC, 1996); Kenya Human Rights Commission *Who Owns This Land? A Guide to Understanding the Law of Trust Lands in Kenya.* (Nairobi: KHRC, 1997).

[44] There have been several government-appointed investigations and inquiries into the land-related ethnic conflicts in Kenya. For an illustration, see Republic of Kenya *Report of the Parliamentary Select Committee to Investigate Ethnic Clashes in Western and Other Parts of Kenya.* (Nairobi: Government Printer, 1992); *The Report of the Presidential Commission of Inquiry into the Land Law System of Kenya.* (Nairobi: Government Printer, 2003); *Presidential Commission Appointed to Look into the Allocation of Public Lands to Corporations and Individuals.* The Njonjo Report (Nairobi: Government Printer, 2003); Kennedy Kiliku '*Report of the Parliamentary Select Committee to Investigate Ethnic Clashes in Western Kenya and other parts of Kenya*' The Kiliku Report (Nairobi: Government Printer, 1994).

always encourages higher investment confidence and vice-versa.[45] Unfortunately, the period of tenure security enjoyed in Kenya between 1960 and 1990 was grievously impacted by the breakout of land clashes. It is very unfortunate that by the conclusion of this study, thousands of Kenyans evicted from their lands during the clashes had not been able to regain their lands. This is in spite of the fact that many of them were in possession of title deeds to their parcels of land. To a large extent, ethnic conflicts have contributed heavily to the weakening of the sanctity of the land title deed in Kenya.

However, it is important to note that the weakening of the efficacy of the land title deed in Kenya has not been the product of ethnic clashes alone. There have been other factors that have contributed almost in higher measure to this situation. High level corruption in matters of land allocation; the illegal transfer of title deeds, and the allocation of public land to favored individuals, classes or ethnic groups are other factors that have eroded the sanctity of the title deed.[46] The case of wealthy individuals being allocated land meant to settle squatters in the new Mautuma Central settlement scheme in Lugari Division is a case in point. This therefore implies that policy makers in Kenya's land tenure reform

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[45] It has been argued that in situations where the sanctity of the title deed is unwaveringly upheld and enforced, the propensity for individuals and entrepreneurships to purchase land and make substantive investments is higher. These views have been widely held by various scholars and agencies such as the Food and Agricultural Organization. See for instance, FAO *Access to Rural Land and Land Administration after Violent Conflicts.* (Rome, Italy: UN/FAO, 2005; Fons de Zeeuw "Borrowing of Land, Security of Tenure and Sustainable Land Use in Burkina Faso" in *Development and Change,* Vol. 28, Issue No. 3, (2002), pp. 583-595.

[46] The controversial allocation of former forest land in Turbo to members of ex-President Moi's clan drawn over 100miles away while thousands of retrenched ex-Forest Department employees, landless families and squatters living on the land were excluded from this allocation is a good example. Further, the allocation of bigger plots of land to rich Kalenjin speakers in the alternate Mautuma Central ("Scheme Mpya") scheme designed to settle the groups excluded from the above allocation is a good illustration.

must take serious cognizance of the fact that the provision of a title deed is not in itself, the ultimate answer to the question of security of tenure in land.

Even in those circumstances where there is intense pressure for the survey, registration and issuance of individual title, this might be only to serve as reinforced security against other competing parties for one's precious piece of land. For instance, soon after the land clashes broke out in 1991, there was an intense rush on the Ministry of Lands by individuals for title deeds. The rush was most pronounced among the non-Kalenjin landholders in the Rift Valley and those along the boundary between the Rift Valley and the Western, Nyanza, and Central provinces. This attests to our observation that for the title deed to fulfill the role of providing security of tenure in land ownership, the supporting legal framework and overall socio-economic and political institutions must also be in place. This, unfortunately, is not the guaranteed situation especially in Kenya's volatile rural areas bedecked with hostile inter-ethnic relations.

Given the experience witnessed by non-Kalenjin landowners in the Rift Valley province, the simple act of possessing a title to land may be proof of ownership but it is not congruent with security of tenure ion that piece of land. As pointed out severally in the preceding sections, efforts by non-Kalenjin speakers to re-settle on their plots of land in the Rift Valley from which they were chased during the ethnic clashes had bore no fruit by 2000. Repeated pledges by the government first, under President Moi and by Kibaki to re-settle these victims of have become empty promises!

But this is not to imply that the title deed to land has been voided completely. Contrary to that it is true that in many parts of the country the title deed is still recognized and highly respected. Indeed, to most (if not all) rural smallholders farmers, the title deed is a highly treasured asset. It is, in most instances, valued as preciously as the land itself. Losing one's title deed is perhaps the most dreaded reality among these smallholder farmers. Perhaps this partly explains why a majority of the settlers in Lugari Division have been weary of using the title deed to transact business. Most smallholder farmers have often expressed deep reservations in relation to using their title deed to acquire monetary loans from Banks. The most cited reason is the fear of losing one's land if they failed to repay the loan owing to crop failure or any of the numerous intervening factors that depress farm incomes in Kenya.

Smallholder farmers often fear that in cases of crop failure, their land would most likely be taken over by richer individuals with adequate monetary capital to pay off the Bank loans. Our data shows that less than 10% of the sampled households in Lugari Division used their title deeds as collateral for a bank loan to improve farming or to invest in off-farm enterprises. Even among the few who did so, it is significant to note that the title deed was used very sparingly and perhaps, no more than twice over the farming period till 2000! In the study by Frank Place & S. E. Migot-Adholla[47] it was found that many poor households in Kakamega District (which hitherto covered the present Lugari

[47] See the detailed discussion by Frank Place & S. E. Migot-Adholla, "The Economic Effects of Land Registration on Smallholder Farms in Kenya: Evidence from Nyeri and Kakamega Districts", in *Land Economics,* Vol. 74, No. 3. (Aug., 1998), pp. 360-373. The fear of losing customary rights to land abounds in other parts of the country. For further reading see for instance Simon Coldham, "The Effects of Registration of Title upon Customary Land Rights in Kenya." *Journal of African Law*, Vol. 22 No.2 (Autumn, 1978), pp. 91 – 111.

District) opposed programs targeting land consolidation, registration and the issuance of individual titles. Most communities were assured of access to land though the customary land tenure system (within which was embedded the system of clan lands and kinship inheritance).

It has also been observed that individual registration and titling often removes the security of tenure embedded in this customary arrangement, leaving individuals very vulnerable to becoming landless (especially in the event the titleholder decided to sell off land). By individualizing land ownership, the assurance of accessing family land provided by inheritance is removed. In such ways does registration and individual titling lead to increased vulnerability and insecurity. This demonstrates that land registration and the issuance of title deed is not the ultimate solution to contested issues in the access to and ownership of land. To cite Kjell J. Havnevik:

> "Land registration creates increased insecurity for vulnerable parts of the population of the population; it does not activate the land market, and if it does, it is mainly for speculative reasons; it does not bring about a reversal in land allocation; it does not in significant ways improve smallholders access to credit; and there is no significant correlation between land titling and increased agricultural yields."[48]

On the other hand, though the new system of land ownership based on individual ownership has not resolved the question of security of tenure in land, the few remaining communal pasturelands have not been spared the problem of illegal alienation, either by the state or influential individuals. In many instances, modern, state-issued title deeds can

[48] Kjell J. Havnevik, "The Land Question in Sub-Saharan Africa." *IRDCurrents No. 15*, 1997, p. 5.

only assure rural smallholder such security of tenure in land if all the supporting legal, administrative, and institutional conditions are present. In this regard, it has been observed that tenure security cannot be assured if the state has weak or non-existent legal framework to support the same or if the state lacks the necessary administrative institutions to enforce the law. Consequently, any disruptive societal upheaval such as civil wars, inter-ethnic strife or widespread corruption and lack of respect for law will immediately render such tenure arrangements void. This shows that the sanctity and security of tenure in land embedded in the title deed go well beyond scholarly discourses and policy realms. As John W. Bruce et al. elaborately put it:

> "Security of tenure" is a multifaceted concept, not easily operationalized, and development professions must use it with far more care then they have done so far....Title does not equal security of tenure; the extent to which it does depends on the quality of the title conveyed and the broader context of respect for law. Unsuccessful attempts to substitute state titles for customary entitlements may reduce security by creating normative confusions, of which the powerful may take advantage. Moreover, security of title, whether defined in terms of low risk of loss of access or robustness of rights and alienability, does not by itself result in greater investment or productivity. *Its effect may be entirely insignificant if farmers are overwhelmed by other risks and disincentives, such as frequent drought, or if the economic environment is otherwise stagnant.*"[49] (Emphasis mine)

This study contends that the system of land ownership based on individual title as witnessed in Lugari Division under the settlement schemes program provided a satisfactory bundle of tenure security but only as long as peace and political stability were in place. This situation changed drastically when a fatal combination of political interference, corruption in land allocation and the break out of ethnic conflicts

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[49] John W. Bruce, et al. "The Findings and Their Policy Implications: Institutional Adaptation or Replacement", in Bruce, John W. & Shem E. Migot-Adholla Eds. *Searching for Land Tenure Security in Africa*. (Dubuque, Iowa: Kendall/Hunt, 1994), p. 260.

significantly weakened the sanctity of the title deed (especially in those areas affected by the clashes).

It is apparent that the state's administrative machinery and legal institutions failed to enforce the inviolability of the title deed for such victims. The government also failed to live up to its promise to resettle the clash victims as promised first, by President Moi, and later President Kibaki.[50] In addition, persistent Kalenjin claims to lands in the Rift Valley based on pre-colonial clan ownership shows that serious attention should be paid to the diametric divide between such claims on the one hand and those based on state-issued individual title deeds on the other. The rapid diminishing of prime land in such densely populated agricultural areas adds urgency to the need to address land ownership issues, especially now that dispossessed squatters, retrenched civil servants, land-hungry elites, and dominant classes are demanding a re-distribution of land based on exclusive interests and sectional premises.[51]

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[50] Persistent insecurity and violence especially along the volatile Uasin Gishu/Lugari and Nandi/Lugari district boundaries have impacted heavily on the system of land ownership. These incidents have disrupted farming, caused loss of human life, dispossession of land and the massive destruction of property especially farm buildings, machinery and infrastructure in places such as Turbo, Mwamba, and Kipkarren River Townships.

[51] During the same period, campaigns by the comparatively poorer pastoralists and similar weaker groups for the return of their alienated ancestral lands have been very pronounced with communities such as the Maasai and the Okiek filing redress suits in the International Court at the Hague while local pressure groups continue to challenge the continued validity of things like the Maasai Agreements of 1904 (whose legality they say elapsed after the 100 years' lease period in 2004). This study is convinced that more often than not, these ongoing inter-ethnic contests for land are increasingly resulting in the systematic dispossession of the non-Kalenjin title-holders in the Rift Valley, their socio-economic status and political affiliation notwithstanding.

Insecurity and instability caused by inter-ethnic violence over land emasculate the veracity of tenure security in land. These conditions are not good for business either. Lack of security of tenure discourages (higher) investment in land and also discourages potential business entrepreneurship. At the national level, both local and international investors tend to be discouraged by the absence of security of tenure in land. This is especially in instances where investment in economic undertakings such as tourism, manufacturing, rental or other capital intensive activities depends heavily on local security, stability and productivity of the surrounding areas (that also act as sources of labor and serve as market for the products.)[52]

Thus, in significant ways, the issuance and effective enforcement of the sanctity of the title deed by the state is of crucial importance to both local and potential investors and purchasers of land because of the security it provides. This attests to the fact that the possession of a title deed under such conditions of political instability and weak states is not always necessarily congruent with security of tenure. The emerging reality from rural areas hit by inter-ethnic instability and warfare points to the fact that issuance of such title is not in itself, a foolproof way to assure tenure security.

In sum, it should be noted that the issuance of weak and insecure titles by the state to farmers does not provide substantive incentives towards investing in the land to improve farming. This is most manifested in situations where the titles are tied up in political,

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[52] See for instance, John W. Bruce and Shem E. Migot-Adholla (eds.) *Searching for Land Tenure Security in Africa.* (Dubuque, Iowa: Kendall/Hunt, c1994); Carol W. Dickerman, with Grenville Barnes et al "Security of Tenure and Land Registration in Africa: Literature Review and Synthesis." *LTC Paper No. 137.* Madison: Land Tenure Center, University of Wisconsin, 1989.

legal or institutional bureaucracies and limitations. As mentioned above, weak and insecure titles have a high tendency of distorting tenure security arrangements and of discouraging improvements and long-term land utilization endeavors. This aspect was clearly pronounced in the fears expressed by oral respondents with regard to the possibilities of losing their land. They pointed out that though the government pledged to re-settle the displaced landholders, nothing had been done by the time of concluding our fieldwork in 2006.[53] The fear of losing land owned under such weak titles always acts as a push factor in making landowners in Lugari Division to sell off more and more portions of their land at the slightest threat of instability.

8.9 Conclusion

The introduction of the Million-Acre Settlement Scheme program marked a major watershed in the evolution of the contemporary system of land ownership in most parts of rural Kenya. The settling of thousands of hitherto landless families from the colonial Native Reserves in the Low and High Density Schemes marked a major transformation in the sphere of Kenya's rural land ownership terrain. The program heralded a dramatic transformation of the new settlers from "people of the Reserve" to settlers. These transformative socio-economic changes occurred simultaneously with the intensive implementation of a new system of smallholder farming based on specific land use plans for each settlement scheme.

[53] In fact, there is widespread belief in many parts of Western Kenya that the government is not committed to re-settling the victims of the clashes and those who lost lands should as well forget ever regaining their lands. This grim situation is compounded by the fact that any non-Kalenjin who have attempted to return to their lands, have either been killed or repelled by armed gangs of Kalenjin warriors. In any case, most of these victims have little to go back to given that their houses and farm structures were burnt down. As time goes by, more and more of the non-Kalenjin farms in the Rift Valley are being taken over and farmed by the Kalenjin.

The settlers viewed their plots as their new source of livelihood and socio-economic security. This was because after being allocated land in the settlement schemes, most of the settlers lost express hereditary rights to and claims in their previous family lands in their home areas or villages. Further, the intrinsic pride of being "settlers" as opposed to the "People of the Reserves" also propelled many settlers to strive towards agricultural prosperity. Altogether, these activities set off a rapid transformation of the rural farming economy in Lugari Division.

Their efforts on land culminated in increased productivity and incomes during the period between 1970 and 1980, dubbed the decade of prosperity. This decade was marked by socio-economic change characterized by improved standards of living; the construction of better houses (with iron sheet roofing); the purchase of family cars, pick-up trucks, farm machinery; the establishment of commercial business entrepreneurship in retail shops, bars, hotels, meat shops, and so on. Indeed, the respondents interviewed by this study in Lugari Division who purchased these items stated they did so during the 1970's decade.

The period of comparative economic prosperity in Lugari Division was followed by one characterized by a sharp decline in farm incomes and hence the corresponding increase in socio-economic adversity. Generally the period between 1980 and 1990 was one of struggle and mixed fortunes. Some smallholder settlers in the Division succeeded in fighting off this initial phase of economic decline buttressed by a sharp rise in farm inputs; a collapse of veterinary and other vital extension services; the collapse in farming

credit services. These conditions were worsened by food shortages, famines and their attendant ravages.

At the local level, increased political meddling into crucial farming services provision agencies such as the National Cereals & Produce Board (NC&PB); Kenya Co-operative Creameries (KCC); the Kenya Meat Commission (KMC); the Kenya Planters Co-operative Union (KPCU), the Agricultural Finance Corporation (AFC), the Kenya Seed Company, the Kenya Dairy Board (KDB), and precipitated the implosion of the farming sector in the settlement schemes. Within a short period of time, the hitherto long lines of milk delivery vehicles to KCC and those hauling grains to NC&PB stores dried up to a trickle. Indeed, as the 1980s drew to and end, the once prosperous smallholder farming the schemes had drastically declined.

These developments had a momentous impact on the system of land ownership in Lugari Division. The least capitalized households resorted to sub-dividing and selling off portions of the household land to raise monetary income to meet a wide range of financial needs and obligations. Monetary proceeds from the sale of land were spent on medical bills, education (i.e. tertiary college and high school) tuition expenses and other needs discussed elsewhere in this study. As the 1980's wound up, the harsh economic conditions had started pushing out the most affected landholders – the poorest, least capitalized households who lacked any cushion to fall back on to! Thus, as the new decade of the 1990s approached, most settlers in Lugari Division were very apprehensive about the feasibility of their smallholder economy!

In many respects, the decade of the 1990s started off on a rather harsh economic note for the smallholder landowners in Lugari Division. The dawn of the new decade did not bring any substantive economic stimulus or reprieve to the struggling smallholder sector in the settlement schemes. While the individual settlers battled the deteriorating farming conditions to survive, a new battlefront was brewing rapidly on the socio-economic and political horizon. It was a front that would have an intrusive impact on the system of land ownership and other attendant aspects in Lugari Division and indeed the rest of the country. This was the end of the Cold War and the beginning of a New World Order in a post-Cold War era.

The end of the Cold War heralded the eclectic political democratization and economic liberalization processes. While the pro-multi-party and economic liberalization forces comprising mainly of the opposition movement in Kenya supported this electrifying calls for change, President Moi and the Rift Valley KAMATUSA viciously opposed this movement. President Moi even went on both national and international press and claimed that Africa was not "mature" enough for multi-party politics; that such a system was not suitable for African countries for it would breed inter-ethnic conflicts.

A combination of drastic declines in farm incomes, increase in farm in puts and insecurity of tenure in land precipitated by ethnic clashes – rapid sub-division and sale of household land. Lugari Division settlement schemes started to degenerate rapidly into rural slums. The average household landholding capacity declined sharply from the previous figure of 2.5 to 1.0.

Further, lack of government enforcement of the Agricultural Land Act policy stipulations in relation to the subdivision and/or sale of farmland is equally a serious matter. It might be argued that the recent scramble to subdivide and sell off portions of household land in Lugari Division (and other affected areas of the Rift Valley) was sparked off by the fear of losing land through ethnic violence but this is by no means a justification for the rapid rate of fragmentation of hitherto productive smallholder farms. This study emphasizes that the government must enforce the laws forbidding the sub-division of prime agricultural land to uneconomic sizes as witnessed in our area of study.

Fragmentation could also be reined in to stabilize the system of land ownership by passing additional legislation to halt the current pauperization of the smallholder farming sector. If these measures are not undertaken immediately, then such rural parts of Kenya will keep on descending rapidly intro dust bowls and crucibles of food shortages and famine. These are critical matters right at the core of the dynamics of the changing system of land ownership not only in Lugari Division but also in many parts of rural Kenya. It would be an immense oversight to wish all these issues away. Therefore, it is the contention of this study that all stakeholders in the country and representatives of diverse community interests should liaise with one another in a free atmosphere to resolve the deteriorating security situation in the country precipitated by inter-ethnic land contests subsumed under political differences.

From the foregoing, it is distinctly unmistakable that the need for a robust and composite national policy on land ownership in Kenya is long overdue. Most rural households in

Kenya have become fairly knowledgeable enough to recognize irregularities in land allocation and ownership matters. The current rapid circulation of information and corruption scandals pertaining to land allocation has even sensitized the rural peasant the more. Today's peasant in Kenya is not the uninformed, 'ignorant' individual that power brokers and elites could trample over as it were in yester years. The contemporary smallholder farmer is more conscious of his rights and position in regard to the wider political and economic matrix of the country than is acknowledged by those in power. This is why there is urgent need to democratize land ownership and the whole spectrum of land allocation and the issuance, protection and enforcement of the inviolability of the title deed. This urgency is exemplified by the fact for the most part, both the colonial and post-colonial state treated land matters in a purely administrative way.[54] In most instances, family, clan and communal interests were trampled upon and subjugated under the premise of "modernizing" land ownership.

In addition, there is deep-seated anger and dissatisfaction with the manner in which the state has allocated land and handled inter-ethnic (clan) claims to land. The long running legal battles lodged by communities such as the Maasai, Okiek and the contemporary claim to land in the Rift Valley province by the Kalenjin are illustrative enough. Inter-ethnic conflicts over land ownership in the Rift Valley and Western Kenya have put the very existence of a unitary state of Kenya on a precipice. This is part of the land question in Kenya. These aspects do not augur well for rural peace, stability and sustainable socio-economic development. They also impact negatively on agricultural production. This

[54] Karuti Kanyinga, "The Land Question....", 1997, p.17.

adds urgency to our recommendation for the need for democratization of land ownership, and in particular, the allocation of hitherto public land to individuals and/or communities and the protection of the sanctity of the land title deed. It is only in this way that Kenya can manage the dynamics of the rapid changes taking place in the realm of land ownership.

It is extremely imperative that the state in Kenya addresses the pressing question of land ownership, especially regarding the access to and ownership of hitherto public land. Unless the explosive and potentially divisive land question is resolved amicably within and between different ethnic groups and regions of the country, Kenya is a country whose boundaries could easily be re-drawn along ethnic lines. Any continued postponement in addressing the diverse contemporary and ancestral (ethnic) land claims alongside unattended economic and political matters is a sure way of paving the way for Kenya's total implosion not in the far distant future. This aspect comprises a key component in the stabilization of the entire land tenure system because it serves as the bedrock of security of tenure in land. Any further procrastination of this agenda would be a sure way of inviting more inter-ethnic strife, bloodshed, destruction of agricultural production whose famine and related economic and health impacts Kenya can least afford.

APPENDICES

Appendix 1: Changing Household Landholding Sizes (in acres) Lumakanda Scheme, 1965-2000.

	1965					2000					
H/H	Home-stead	Crops	Pasture	Fallow	Total	Home-stead	Crops	Pasture	Fallow	Total	Change
1	0.75	3.5	4	7	15	0.75	3.5	4.25	0	8.5	-6.5
2	1	2	12	0	15	1	3	1	0	5	-10
3	1.5	6	7.5	0	15	2.5	10	2.5	0	15	0
4	0.5	3	11.5	0	15	0.5	7	4	0	11.5	-3.5
5	0.75	3	11.25	0	15	0.75	3	4	0	7.75	-7.25
6	0.25	2	12.75	0	15	0.5	5	2	0	7.5	-7.5
7	0.75	7	3.25	0	11	0.5	8	2.5	0	11	0
8	0.25	2	10.75	0	13	2	2	2	0	6	-7
9	0.25	1	13.75	0	15	1	2	1	0	4	-11
10	0.25	3	11.75	0	15	0.5	3	0	0	3.5	-11.5
11	0.25	2	0		15.7	0.25	2	0	0	4.7	-11
12	0.25	2.5	12	0	15	2	1.5	0	0	3.5	-6.5
13	0.5	5	3	0	8	0.75	1.5	3	0	4	-4
14	1	5	2	0	15	1	11	2	0	14	-1
15	0.25	5	7	0	12	0.5	1.5	10	0	12	0
16	0.5	8	6	0	14	1.5	2	0	0	3.5	10.5
17	0.25	2	10	0	12	0.25	1	3	0	4	-8
18	1	5	10	3	19	2	12	5	0	19	0
19	0.5	5	1	0	15	0.5	2	1	0	12	-3
20	2	4	4	5	15	1	4	3	0	8	-7
21	2	10	3	0	15	2	6	3	0	11	-4
22	0.75	3	1.5	0	15	0.5	3	0	0	11	-4

Appendix 1 Contd.

	1965					2000					
H/H	Homestead	Crops	Pasture	Fallow	Total	Homestead	Crops	Pasture	Fallow	Total	Change
23	1.5	3	10	0	15	1	2	2	0	15	0
24	1	10	19	0	30	2	18	10	0	30	0
25	0	0	0	0	15	1	15	4	0	20	+5
26	1.5	10	3.5	0	15	0.5	3.5	0	0	4	-11
27	1	0	0	0	15	1	10	0	0	11	-4
28	0.25	2.0	8.0	6.0	17	0.25	2.0	2.0	0	4.0	-13
29	2	6	7	0	15	1	4	3	0	8	- 7.0
30	0	0	0	0	15	0.5	12	2.5	0	15	-4
31	2	5	8	0	15	1	4	3	0	8	-7
32	0	0	0	0	15	0.5	5	0	0	10	-5
33	0	0	0	0	15	1	2	3	0	6	-9
34	0	0	0	0	15	0.5	12.5	2	0	15	0
35	0	0	0	0	15	0.5	1.5	0	0	2	-13
36	0.5	3	6	5.5	15	0.5	14	0.5	0	15	0
37	1	6	10	5	22	1	20	1	0	22	0
38	1	15	15	2.5	33.5	0.5	3.5	0	0	4	-28.5
39	2	5	4	4	15	1	2	2	0	5	-10
40	2	6	15	22	45	0.25	1.75	2	0	4	-41

Note: The data represented here refers only to the sampled households who provided responses in regard to the changing household landholding sizes in the study and not to all respondents interviewed in the settlement scheme.

Appendix 2: Mautuma Settlement Scheme Oral Respondents

Ser. No.	Name	Gender	Age	Location	Date of Interview
1	Amuyunza, Dinah	F	60	Mautuma	Dec. 2004
2	Anzeshe, David	M	71	"	Dec. 2004
3	Inanga, Jackson	M	61	"	Dec. 2004
4	Inanga, Jairus	M	64	"	Dec. 2004
5	Ingasia, Bernard	M	59	"	Dec. 2004
6	Jahonga, Anna Minagi	F	64	"	Dec. 2004
7	Karani, Daniel	M	69	"	Dec. 2004
8	Kazigani, George	M	69	"	Dec. 2004
9	Khisa, Francis	M	65	"	Dec. 2004
10	Minayo, Daudi	M	66	"	Dec. 2004
11	Mugalla, Gerishom	M	68	"	Dec. 2004
12	Mugalla, Jiveti	M	58	"	Dec. 2004
13	Mugavane, John (Yohanna)	M	67	"	Dec. 2004
14	Muhindi, David	M	75	"	Dec. 2004
15	Murumbutsa, George M.	M	59	"	Dec. 2004
16	Museywa, Rispah	F	64	"	Dec. 2004
17	Ombeva, Beatrice Jendeka	F	63	"	Dec. 2004
18	Omido, Timothy K.	M	67	"	Dec. 2004
19	Paulo, Janet Mugodidza	F	69	"	Dec. 2004
20	Sikote, Samuel	M	57	"	Dec. 2004

Appendix 3: Lugari Settlement Scheme Oral Respondents

Ser. No.	Name	Gender	Age	Location	Sub-Location	Interview date
1	Baika, Isaiah	M	61	Lugari	Marakusi	Nov. 2004
2	Chitwa, Elijah	M	45	Lugari	Lugari	Nov. 2004
3	Kagevera, Tom	M	61	Lugari	Lugari	Dec. 2004
4	Kegondi, Dickson	M	43	Lugari	Lugari	Dec. 2004
5	Kivaze, Herman	M	73	Lugari	Lugari	Nov. 2004
6	Lirova, Elika Amagove	M	70	Lugari	Lugari	Nov. 2004
7	Liviri, Sammy	M	66	Lugari	Lugari	Dec. 2004
8	Lungaho, Noah	M	48	Lugari	Lugari	Nov. 2004
9	Matress Bainito	M	57	Lugari	Lugari	Nov. 2004
10	Mugwang'a Ezekiel	M	74	Lugari	Lugari	Dec. 2004
11	Mulemi, Thomas	M	76	Lugari	Munyuki	Nov. 2004
12	Musia, Kepha	M	76	Lugari	Lugari	Nov. 2004
13	Muyira, Newton	M	40	Lugari	Lugari	Dec. 2004

Lugari Contd.

14	Nabutete, Refah	F	80	Lugari	Lugari	Nov. 2004
15	Njite, Edwin	M	70	Lugari	Lugari	Dec. 2004
16	Ochamu, David	M	39	Lugari	Lugari	Nov. 2004
17	Ondego, Isaiah	M	84	Lugari	Lugari	Nov. 2004
18	Otanga, Reuben	M	65	Lugari	Lugari	Dec. 2004
19	Tiego, Musa	M	62	Lugari	Lugari	Dec. 2004
20	Jimuguni, Hannah	F	66	Lugari	Munyuki	Nov. 2004

Appendix 4: Chevaywa Location Oral Respondents

Ser. No	Name	Gend-er	Age	Location	Sub-Location	Date of Interview
1	Banyako, Luka	M	61	Chevaywa	Kivaywa	Nov. 2005
2	Daraja, Benson	M	72	Chevaywa	Kivaywa	Dec. 2005
3	Juma, Ibrahim	M	87	Chevaywa	Kivaywa	Dec. 2004
4	Keyari, Patrick	M	59	Chevaywa	Matete	Oct. 2005
5	Khalibitsi, Sabeti	F	88	W. Kabras	Shikuse	Nov. 2005
6	Kutoyi, Zacharia	M	75	Chevaywa	Kivaywa	Oct. 2005
7	Lunani, David Reuben	M	80	Chevaywa	Kivaywa	Dec. 2004
8	Lunani, Joseph	M	56	Chevaywa	Kivaywa	Dec. 2005
9	Lunani, Peter Benjamin	M	78	Chevaywa	Kivaywa	Oct. 2005
10	Lunani, Peter Wanjala	M	78	Chevaywa	Kivaywa	Nov. 2005
11	Luvisia, Patrick Wanyama	M	61	Chevaywa	Kivaywa	Nov. 2005
12	Machio, Moses	M	63	Chevaywa	Kivaywa	Dec. 2005
13	Mafunga, Haron	M	68	Chevaywa	Matete	Nov. 2005
14	Mafunga, Paul	M	75	Chevaywa	Kivaywa	Dec. 2005
15	Makale, Elisha	M	72	Chevaywa	Kivaywa	Nov. 2005
16	Makhokho, Peter Burudi	M	72	Chevaywa	Kivaywa	Dec. 2004
17	Mang'eni, Jairus Ounza	M	54	Chevaywa	Kivaywa	Nov. 2005
18	Marani, Julius	M	52	Chevaywa	Chevaywa	Nov. 2005
19	Marofu, Ford	M	62	Chevaywa	Kivaywa	Dec. 2005
20	Masika, James Mwivande	M	80	Chevaywa	Kivaywa	Dec. 2004
21	Michisi, Dinha	F	77	Chevaywa	Vihiga*	Dec. 2005
22	Mukolwe, Ben Makokha	M	74	Chevaywa	Chevaywa	Dec. 2005
23	Mukoyani, H. Shibweche	M	72	Chevaywa	Lukusi*	Dec. 2005
24	Mulupi, Joseph	M	70	Chevaywa	Chebwai	Dec. 2005
25	Musidia, Paul Mafunga	M	70	Chevaywa	Kivaywa	Dec. 2005
26	Musungu, Alfayo Nakome	M	63	Chevaywa	Kivaywa	Dec. 2005
27	Mutandi, Roman Bushuru	M	78	W. Kabras	Shikuse	Nov. 2005

Chevaywa Continued

28	Mutoko, Joram	M	63	Chevaywa	Kivaywa	
29	Muvango, Mathew Isaac	M	56	Chevaywa	Kivaywa	Dec. 2005
30	Mwangale, John	M	65	Chevaywa	Kivaywa	Dec. 2005
31	Nalyanya, Jared Khaemba	M	70	Chevaywa	Kivaywa	Dec. 2005
32	Nelima, Elina Wekesa	F	78	Chevaywa	Samitsi	Dec. 2005
33	Ngome, Jacob	M	84	Chevaywa	Kivaywa	Dec. 2004
33	Ngosasia, Luvisia	M	65	Chevaywa	Kivaywa	Dec. 2004
35	Nyongesa, Benson	M	65	Chevaywa	Kivaywa	Dec. 2005
36	Nyongesa, Elis	M	57	Chevaywa	Chevaywa	Nov. 2005
37	Saisi, Frederick Keya	M	62	Chevaywa	Kivaywa	Nov. 2005
38	Sembe, Evaline M.	F	64	Chevaywa	Kivaywa	Nov. 2005
39	Simiyu, Julius Wekesa	M	62	Chevaywa	Kivaywa	Dec. 2005
40	Sirengo, Daraja	M	62	Chevaywa	Kivaywa	Jan. 2006
41	Sumbure, Nathan Fetha	M	70	Chevaywa	Kivaywa	Dec. 2005
42	Sunguti, Thomas	M	64	Chevaywa	Chimoi	Dec. 2005
43	Wamocha, Moses	M	64	Chevaywa	Kivaywa	Dec. 2005
44	Wanaswa, Jackson	M	85	Chevaywa	Kivaywa	Nov. 2005
45	Wandabwa, Jacob	M	76	Chevaywa	Kivaywa	Dec. 2005
46	Wanyama, Gabriel	M	79	Chevaywa	Matete	Nov. 2004
47	Wanyama, Stanley	M	68	Chevaywa	Matete	Dec. 2005
48	Wanyama, Zebedayo	M	76	Chevaywa	Kivaywa	Nov. 2005
49	Wekulu, Daudi	M	56	Chevaywa	Kivaywa	Nov. 2005
50	Wemichila, Libonga	M	73	Chevaywa	Kabras	Dec. 2005

* This is Vihiga and Lukusi in Kabras and not the Vihiga of Vihiga District or Lukusi in Webuye.

Appendix 5: Lumakanda Settlement Scheme Oral Respondents

Ser. No	Name	Gender	Age	Location	Sub-Location	Interview date
1	Adeya, Jotham	M	80	Lumakanda	Munyuki	Dec. 2004
2	Adisa, Jemima Joash	F	63	Lumakanda	Mwamba	Dec. 2004
3	Alufuma, Timona	M	58	Lumakanda	Munyuki	Dec. 2004
4	Amutama Pius	M	75	Lumakanda	Munyuki	Dec. 2004
5	Anduvate David	M	86	Lumakanda	Munyuki	Dec. 2004
6	Arema, Priscillah L.	F	75	Lumakanda	Munyuki	Dec. 2004
7	Endegwa, Patrick	M	62	Lumakanda	Munyuki	Dec. 2004

Lumakanda Continued.

8	Guvaha, Peris	F	80	Lumakanda	Munyuki	Dec. 2004
9	Idunya Finike Chanzu	M	66	Lumakanda	Munyuki	Dec. 2004
10	Kalemela Josephat Luvai	M	54	Lumakanda	Munyuki	Dec. 2004
11	Karemera, Dorcas M.	F	74	Lumakanda	Munyuki	Dec. 2004
12	Kasigani, Joseph	M	55	Lumakanda	Munyuki	Dec. 2004
13	Khabelwa, Reuben	M	67	Lumakanda	Munyuki	Dec. 2004
14	Khakasa, Nora	F	79	Lumakanda	Munyuki	Dec. 2004
15	Kiharangwa, Jairus	M	65	Lumakanda	Munyuki	Dec. 2004
16	Laban, Kedogo	M	50	Lumakanda	Mwamba	Dec. 2004
17	Madangi, Sophia Asami	F	67	Lumakanda	Munyuki	Dec. 2004
18	Mahuve C. Okwemba	M	84	Lumakanda	Munyuki	Dec. 2004
19	Makungu Dinah	F	90	Lumakanda	Munyuki	Dec. 2004
20	Masero, Henry Saleh	M	73	Lumakanda	Mwamba	Dec. 2004
21	Matunde, Esther	F	61	Lumakanda	Munyuki	Dec. 2004
22	Mbone, Lena	F	52	Lumakanda	Munyuki	Dec. 2004
23	Mbudo Elijah	M	75	Lumakanda	Munyuki	Dec. 2004
24	Mrambe, Kagame	M	70	Lumakanda	Munyuki	Dec. 2004
25	Mudome, Joseph Omega	M	73	Lumakanda	Munyuki	Dec. 2004
26	Mugodo, James	M	65	Lumakanda	Munyuki	Dec. 2004
27	Munywele, Johnstone	M	79	Lumakanda	Munyuki	Dec. 2004
28	Musonye, Seth	M	43	Lumakanda	Munyuki	Dec. 2004
29	Mwago, Patrick Kuria	M	75	Lumakanda	Mwamba	Dec. 2004
30	Ndagadwa Jamini	M	75	Lumakanda	Munyuki	Dec. 2004
31	Ngondo, Haron	M	80	Lumakanda	Munyuki	Dec. 2004
32	Njoroge, Martha Wanjiru	F	75	Lumakanda	Mwamba	Dec. 2004
33	Nyongesa, Safani	M	60	Lumakanda	Munyuki	Dec. 2004
34	Odemo, Manasoe	M	57	Lumakanda	Mwamba	Dec. 2004
35	Onam, Fanuel Anzae	M	72	Lumakanda	Munyuki	Dec. 2004
36	Ongwenyi, Phemina M.	F	73	Lumakanda	Mwamba	Dec. 2004
37	Onzere, Jennipher	F	70	Lumakanda	Munyuki	Dec. 2004
38	Otondo, Damaris	F	65	Lumakanda	Munyuki	Dec. 2004
39	Raude Jason Messo	M	78	Lumakanda	Munyuki	Dec. 2004
40	Rofa, Jeremiah Eboso	F	75	Lumakanda	Munyuki	Dec. 2004
41	Sagwa, William	M	92	Lumakanda	Munyuki	Dec. 2004
42	Savatia, James	M	80	Lumakanda	Munyuki	Dec. 2004
43	Shibande, Mizore	M	72	Lumakanda	Munyuki	Dec. 2004
44	Simwa, David Mugusi	M	90	Lumakanda	Munyuki	Dec. 2004
45	Sumba, Samson	M	75	Lumakanda	Munyuki	Dec.. 2004

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(a) Oral Respondents

Oral Respondents comprise the core of the oral sources used by this study. Oral interviews with sampled respondents were conducted in Lugari Division in two phases. The first phase was conducted during the fall of 2004 while the final one between September and December 2005. There were a few follow-up interviews with key respondents during the spring of 2006. The lists of the respondents are grouped according to their area of residence or settlement scheme. The lists begins with their last, then first and where applicable, middle name. The lists also show the Gender, Age, Location, Sub-location (where applicable) of the respondents and the date when the interview was conducted. The lists of the respondents are as shown in Appendices 2 to 5. Note: Most of the listed respondents from Mautuma Settlement Scheme (and especially those from Mlimani) were extremely apprehensive regarding providing information on their household landholding. They only agreed to do so if the research allowed them to use pseudo names or only a portion of their names.

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KNA: DC/NN.1/13 North Kavirondo District Annual Report 1932.

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