

INSECURITY OF TENURE IN THE RESETTLEMENT  
SCHEMES IN HISTORICAL PERSPECTIVE

'A STUDY OF INSECURITY OF TENURE IN THE RESETTLED AREA  
OF KINANGOP WITH SPECIAL REFERENCE TO GITHIORO, KARATI  
AND NJABINI SCHEMES'.

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## P R E F A C E

Kenya's flag Independence brought different political circumstances from those obtaining in Colonial Kenya. But the current agricultural development problems in the former scheduled areas (now resettled by Africans under various resettlement programmes) lie rooted in the past. In many respects they are reminiscent of the colonial agricultural development policies. Not surprising, therefore, problems that have plagued post-independence resettlement programmes to failure bear striking resemblance to problems that beset the Africans resettled during the colonial period.

The overall result of these problems is general 'insecurity' - insecurity in the legal sense as well as social and economic. The crux of insecurity has always been labelling political packages for resettlement programmes. Consequently plot allottees under such misconception are not and cannot be resettled in the true sense of the word. Given present conditions of allotment continue and the programmes are administered within the present politico-economic framework, the allottees are likely to remain unsettled and insecure for years to come. The general insecurity is well manifested by difficulties in repayments of both land purchase and development loans. The resultant illegal sub-division of plots, leasing and at times outright sales are regrettably inevitable, not only under the Million Acre Resettlement Programme (as the sample study of schemes at Kinangop will show) but also elsewhere under similar resettlement programme.

It is not an overstatement that allottees are becoming, once again squatters in their 'own' land.

In Chapter One the appropriation of Kikuyu land for European settlement is briefly examined. It is argued that emergent land problem in the African areas find origin from the colonial Government's stand - outright rejection of African claims to appropriated land, negative attitude towards the problems arising from the subsequent landlessness, and above all the demands of the dual economy. Small wonder insecurity in land tenure exploded into a bloody uprising in the 1950's. It is the writer's opinion that by Independence no single inquiry into Africans land problems faced the problem squarely and/or impartially, because all the commissions, committees, etc., had to abide with the demands of the dominant agrarian system, at the expense of the subservient agrarian system.

In Chapter Two the background to the Million Acre Resettlement Programme is discussed generally while particular reference is made to Kinangop area. The Million Acre Programme was started in 1962, and in the same year the Kinangop sample schemes were started. The sample schemes studies are all high density. They are South Kinangop, Karati, Githioro and Njabini Schemes.

In Chapter Three the sample schemes are evaluated. The plight of the settlers is exposed. It is hoped by the end of Chapter Three a case will have been made out for the contention that the settlers are so unsettled and insecure that one can correctly predict they will soon become squatters in their 'own' land, if the present state of affairs continue.

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Finally a word about insecurity of tenure. In common parlance security of tenure is usually associated with security of tenure guaranteed after a parcel of land's particulars are entered into a government maintained Register. Hence a look at the Register is conclusive as regards any rights entered therein vis-a-vis those not entered. The writer, however, has in mind a broader concept of security of tenure. This is settlement or resettlement which guarantee substantial permanency in the settled land and comprises of legal socio', political and economic security\*.

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\*See further exposition on this point pp. 15

Erratum: spelling; Harbeson J.W.; straitjacket, in place of any other spellings in the text.

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## CHAPTER ONE

### HISTORICAL BACKGROUND

The European colonisation of the Kenya Highlands in the early years of the present century was primarily a consequence of the successful completion of the Uganda Railway in 1902. It was assumed only European farmers could exploit the agricultural resources in the Highlands, exports of which would be by the railway, the freight charges would make the railway pay.

The apparently few inhabitants in the Highlands, who were either shifting agriculturalists or semi-nomadic pastoralists in a subsistence economy, appeared devoid of the necessary potential to exploit the resources in the Highlands, the land they had always lived on. To the whites, therefore, passed most of the fertile parts of the Highlands under a lenient land policy whereby they often got what land they wanted and where.

Although time and again the colonial administration insisted that very little, if any, land was occupied or owned by the inhabitants, there is ample evidence that, for instance, the Kikuyu had either purchased land from the Dorobo or established right to land through reclamation from the forests, i.e. first clearance rights. The sparse population observable then, can be explained by the famine and smallpox epidemics which swept through the Kamba and Kikuyu country towards the end of the last century. Some of the Kikuyu and the Wakamba had naturally retreated to the shelter of the forests high up in the Highlands. However some

were still physically occupying their land and there was, therefore, no legal justification of the colonial Government assuming title to such land.

It is important to be clear on the outset that the colonial administration was misled by the western anthropological literature which held the view that African land tenure was necessarily 'communal'. Kenyatta's argument in Facing Mount Kenya,<sup>1</sup> which is consisted with Kikuyu oral traditions holds that in Kikuyu custom land tenure was not tribal and contrary to Western anthropological view it evolves from individual tenure to a system akin to communal tenure. This fact is important because, as argued elsewhere, obsession with Lugard's theory - that conceptions of land tenure are subject to a steady evolution side by side with the evolution of social progress has restrained attempts to solve the problems of security of tenure amongst the Kikuyu for a long time.

The concluding blow to the colonial government's justification for occupying the Kenya Highlands is well stated by Haberson J.W. who holds the view that European settlement in Kenya was a means of enhancing Britain's control of East African Protectorate to facilitate economic development.

He says:

"European settlement itself contributed to the pacification [of local African Peoples] by providing buffer zones on land disputed by various African peoples. The most important of these buffer zones was the area lying to the North-West of Nairobi including suburban Kiambu and all of the Kinangop plateau".<sup>2</sup>

The legal position after this fashion of land appropriation was correctly stated by Chief Justice Jacob Barth in WAINAINA v. MURITO,<sup>3</sup> who held that the

effect of Crown Land Ordinance 1915, and the Kenya Annexation Order-in-Council 1920 and the Kenya Colony Order-in-Council 1921, which converted the Protectorate into a colony was to take away all natives' rights in the land, vest all land in the Crown, and leave Africans as tenants at will of the Crown in the land actually occupied.

Natives loss of security of tenure was in contradistinction with the security of tenure the Europeans were continuing to acquire. This fact comes out clearly when the essence of the dual economy is appreciated. As far as agriculture is concerned dual economy demanded high potential land at the disposal of the dominant agrarian system - the European had therefore the best land - cheap and dependable labour - by legislative, administrative and financial measures cheap and dependable labour was put at the disposal of the whites, finally the whites controlled agricultural development resources, e.g. control over crop and livestock production, research and advisory services, fiscal policy, freight rates of agricultural inputs and exports, marketing and price policy. All these resources were denied the Africans because the fact that theirs was a subservient economy necessarily meant they should not have access to these resources. As we shall see, the persistency of the dual economy thwarted any attempt to avail Africans security of tenure. They were never and could not be settled, either within the reserves or elsewhere.

Opportunities arose in which displaced Africans could be securely settled. But as we shall see these were wasted opportunities. With time the displaced numbers multiplied just as did their problems, while the land they occupied deteriorated considerably. By 1930, 110,000 squatters were living outside

the African Reserves.<sup>4</sup> Failure to settle the displaced numbers in time or early enough is important for the present problem of insecurity of tenure was enhanced with time, so that by Independence it was a major trouble-notch.

During the early years of alienation of the Kikuyu land, some field officers realised many of the claims to alienated land were genuine. M.P.K. Sorrenson<sup>5</sup> reports that investigation of Githaka system in Kiambu District left the officials convinced of the authenticity of the claims. Moreover they appreciated that land tenure was not communal as it was supposed. Some administrative officers insisted some of the Kikuyu land be returned as final settlement of the claims. But with a tone of finality the government brushed aside these requests. Sir Conway Belfield, the then Governor dismissing the claims said:

"The Kikuyu were never in such effective occupation/possession of the areas disposed of to white settlers and which they [the Kikuyu] are still domiciled as to render it obligatory on the Government to compensate them on dispossession".<sup>6</sup>

The truth was the government would not honour request even by its officers in the field because to do so would undermine the basis of the dual economy.

#### WASTED OPPORTUNITIES

##### THE KENYA LAND COMMISSION (1932) AND AFTER

The Kenya Land Commission, 1932<sup>7</sup> (hereafter The Carter Commission) deserve mention for two reasons. First as one of the rare early opportunities in which the landless would have been resettled and thus arrest the

problem of landless from escalating to its present proportions. Secondly, The Carter Commission structured the boundaries between Native Reserves, inter se, and the so called scheduled areas. The effect of this was to displace the Kikuyu as a tribe among others, from their traditional lands, including the Kinangop plateau. Some were left to squat in European farms, others joined the ever increasing number of the detribalized Africans.

In view of the general sense of insecurity, land use problems and the confused ownership of land in the African areas, the Government appointed The Kenya Land Commission under the chairmanship of Sir Morris Carter in 1932. The commission's terms of reference were inter alia,

- To consider the needs of the native population present and prospective, with respect to land whether to be held on tribal or on individual tenure.
- To consider the desirability and practicability of setting aside further areas of land for present and/or future use of natives within the tribe and those detribalized.
- To determine the nature and extent of claims asserted by natives over land alienated to non-natives and to make recommendations for the adequate settlement of such claims whether by legislation or otherwise.

The commission considered claims based on historical grounds and claims based on economic considerations.

The Carter Commission, working in a straight jacket rejected claims of the authenticity of 'Githaka'<sup>8</sup> system of tenure amongst the Kikuyu. Claims based on historical grounds rested on Githaka system. As a result there was no way of claiming traditional Kikuyu lands such as in Kinangop. In view of the vast evidence given to the Carter Commission by the Kikuyu

elders as well as some informed Europeans, the authenticity of the Githaka system should not have been doubted.<sup>9</sup> The rejection of Githaka system of tenure can be explained as follows:

The Commission had to define the area generally known as the White Highlands within which persons of European descent would have a privileged position in accordance to the White Paper of 1923. The White Paper stated that the Eldgin pledges would be respected - Lord Eldgin, Colonial Secretary 1906 - 1908 pledged: "as a matter of 'administrative convenience' grants of rural land in the Highlands should not be made to Asians or other non-Europeans".

If the Githaka system of tenure was accepted, then, the Ithaka (parcels of land owned by a family) within the Highlands would have been returned as genuine claims. This would have in effect dishonoured the Eldgin pledges. The Eldgin pledge was honoured. The claims of land in the Highlands were rejected.<sup>10</sup>

Turning on to economic considerations The Carter Commission approached the problem as follows. By the formula of comparing lost land against gained lands in the Reserves, the commission found as a fact that the Kikuyu had gained more land than they had lost through alienation! It concluded that "whilst it could not regard the Kikuyu as fully entitled as of right to full redress in the shape of an additional equivalent land they were in equity entitled to receive sympathetic considerations".<sup>11</sup> The commission accordingly recommended that an additional land equal in value to that which they had lost, if the necessary land should prove to be available. Pursuant to the commission's recommendations additional block to the Reserve was made at

North Yatta. The Carter Commission did not appreciate the nature and magnitude of the problem of landless. As a result its recommendations and legislation based on them did very little to ameliorate the problems. 'Illegal' squatting within the whites' farms continued very much as before. Talking to an old dweller of Kinangop the writer gathered the old man had always worked in a white man's shamba, and as far as he knew no move was ever made to resettle them elsewhere except temporary repatriation during the Mau Mau crisis. Conditions in the resettled areas were by no means any better than in the reserves.

As Ghai Y.P. and McAuslan J.P.W. point out "the aims of the Kenya Land Commission and the legislation which followed it were based primarily on political factors - the desirability of fixing once and for all on a permanent basis the areas of land allocated to Europeans and Africans and so ensure maintenance of the dual agrarian system".<sup>13</sup> Maintenance of the dual agrarian system, obviously to the benefit of one community necessarily affected the other adversely. Ghai and McAuslan summarize the position as follows:

"Since the Europeans had an overwhelming say in the direction of the government policy, the legislation benefitted them and adversely affected the Africans. Economic and political development was looked at from the European perspective and legislation was designed to further that development with little or no regard to the economic or social effects that such furtherance would have on Africans".<sup>14</sup>

They conclude that 'Africans were still regarded primarily as a source of labour for European agriculture'.<sup>15</sup> Their needs and welfare were subordinated to those of the settlers.

KIKUYU LAND REFORMS OF THE 1950s:

For the present purposes the Kikuyu Land Reforms of the 1950s are important in two aspects. In the first place the overriding aim of the 1950 Land Reforms was the political payoff. Landlessness and related problems in so far as they were not essential to the political payoff were ignored. This swelled the numbers of the landless to such extent that it posed the problem it did just before independence.

Secondly, the agricultural policies adopted coloured all future agrarian policies in Kenya. Consequently as the land reforms were not geared towards resettling the landless future agrarian policies were not expected to do that either. The Million Acre Programme was implemented primarily because of its political payoff and no more. In many respects the Land Reform of the 1950s was a precursor to the Million Acre Programme. This is because both reforms pursued purported land reform programmes for political ends only. Peasants in Kinangop have fallen victim of both reforms. A mention of the political payoffs of the 1950 Land Reform in Kikuyu country, and the overall agricultural development strategy is in place.

As a preliminary point it is worthy remembering that in the eyes of the policy makers the economy of Kenya was primarily dependent on the White Highlands. Any agrarian policy had to respect the Eldgin pledges. The sanctity of the White Highlands had to remain. On the same footing the policy makers refused to appreciate the reality of the problem of landless - that as a fact the Kikuyu Reserves were far too small for the population it was expected to carry. Thus whatever agrarian policies were adopted

landlessness and related problems were to remain intact.

Although the agronomists - Swynnerton,<sup>16</sup> etc., had already come up with a new panacea for bad land use, it was not until its political payoff was appreciated during and after the Mau Mau crisis, that the plan was given serious thought. It could serve the status quo politically in two ways.

First the claim by Africans for return of stolen land were rejected by Swynnerton on economic grounds. He argued that origin of land use problem in the reserves was tenure and hence the best way to solve the problem was reform of tenure system. Giving more land to the Africans was opening way for destructive use of land by the 'Natives'. He therefore recommended land tenure should be overhauled and replaced with an alternative tenure pattern based on consolidated individualised holdings. This argument was readily accepted because it waded off the threat to the whites' tenure in the Highlands. Rather than find additional land for resettlement Swynnerton saw the intensification of African agricultural development within the Reserves as the best solution. Basically he argued most of the potentially good agricultural land was under reasonably beneficial occupation and therefore no legitimate economic purpose would be served by changing the occupants.

Secondly Swynnerton saw ways in which agricultural development of African areas would bring into being a middle class of politically contented Kikuyu farmers who would be 'too busy on their land to worry about political agitation'. The new class of landed gentry would become a bulwark of conservation, having no track with Mau Mau or any other

nationalist manifestation. These would be accommodated easily in the existing order.

Landlessness (and by implication the inequitable distribution of resources from land) Swynnerton dismissed casually as "a normal step in the evolution of society". The government, however, hoped that improved farming that was expected to follow could be a means of absorbing greater number of Kikuyu on the land in the reserve. Otherwise there was no "ad hoc" plan to absorb the landless.<sup>17</sup>

Finally Swynnerton envisaged a development strategy in which the landed gentry would join the Europeans as the backbone of the economy. Political leadership in future was to come from these privileged class. Participation in the political processes was conditional on contribution to the economy. This strategy has been continued in Independent Kenya wholesome.

The Swynnerton strategy is best reproduced in the Million Acre Resettlement Programme. In summary it means a certain class be provided with the primary and secondary factors of production and trust only that class to support the economy of the nation as well as providing the political leadership, (at all costs) while the less fortunate under-privileged class eke out a living in a subservient position. This is Nation Building in Kenya!

By the late 1950s, racial barriers to the White Highlands had fallen. This was by no means abandoning the Swynnerton strategy. Indeed the policy of

racial integration in the Highlands was implemented primarily in the interests of the settlers and other privileged individuals. This was however in a different political environment, the subject of the next chapter.

As far as the landless are concerned they were not any better off. Sorrenson M.P.K. summarizes the position as follows: "Far from providing employment for the 100,000 extra souls on the land in the reserves during the emergency, consolidation and the limited agricultural advance that followed failed to provide a sufficient livelihood for more than two-thirds of the land owners".<sup>18</sup>

RESETTLEMENT PROGRAMME IN POLITICO-ECONOMIC CONTEXT:

As we have seen the Europeans had consolidated their position of strength. Legally their exclusive occupation of the Highlands was secure. Equally secure were their social and economic positions. Their power base - The White Highlands enclave - was poised to be the backbone of Kenya's economy for years to come as well as provide the country's leadership. The surprise decision to lead Kenya to independence under African majority rule demanded a radical change in the strategy for the security of Europeans. After hard political bargaining the result was the Million Acre Resettlement Programme, of which the Kinangop resettlement schemes are part.

In order to appreciate why the Million Acre Programme (a programme to resettle the African landless) was implemented on European terms the following preliminary points would be of help.

The prescription of African political parties and detention of most of the radical African nationalists, left the Europeans with a relatively free hand in manipulating the political processes in the 1950s. The impending release of the so-called radical nationalists such as, Bildad Kaggia, Oginga Odinga, Achieng Oneko, Paul Ngei and Jomo Kenyatta, who were expected to lead Kenya to Independence sent apprehensive waves in European political circles. The Europeans and in particular the settlers feared Kenyatta and his radical group would never give up nationalist ideals - return of the stolen land and resettle the landless. In spite of his personal reassurance the minorities did not believe Kenyatta would not embark on agrarian policies detrimental to fundamental economic and political interests of the white settlers.

The Million Acre Programme as part of the land reform programme would protect the minorities by making it unnecessary or difficult for the African Government subsequently to carry out reform of its own that might be opposed to the interests of the whites.<sup>1</sup> This they argued would prevent Kenyatta from seizing their land without compensation and resettle Africans.

To achieve this end they tried to make an economic case - that the 'structure' and 'composition' of the White Highlands was so essential for sustaining Kenya's economy that it would collapse if the structure was so much as changed, however slightly.<sup>2</sup> This would in turn prevent property (especially real property) from declining in value to unacceptable level. The overall effect would therefore be to keep the economy of the country well afloat.

Naturally funds were required for two purposes. For the land purchase loans, to enable the European farmers who wished to sell out and leave to do so and get full compensation. Secondly, for land development loans to enable the plot allottees to develop the plots so that they can repay the land purchase loans. These funds served the remaining Europeans indirectly. In addition to having their property rights secure under the constitution, there was the economic safety catch, since the economy was not only kept afloat but land hunger would no longer pose a threat to their property. The obvious political payoff was, therefore, facilitating smooth transfer of power (albeit political power only) since the pressure from the landless and unemployed was dissipated. The position is best stated by J.W. Haberson:

"Although the return of stolen land in the White Highlands had been one of the most important objectives of African nationalism, the process of Africanising the White Highlands was undertaken on Europeans' terms and with Europeans' interests given foremost consideration".<sup>3</sup>

And with Europeans' interests given foremost consideration, the Million Acre Programme was intended to resettle 35,000 families on 470,000 hectares of land at a total cost of £30 million.<sup>4</sup>

The performance of the Million Acre Programme can be evaluated against three main objectives, namely:

"To transfer in an orderly manner the agricultural land which is still the backbone of Kenya's economy from Europeans to citizens of the country;  
To settle the landless and destitute families;  
To alleviate the unemployment problems by offering alternative occupation on the land and so satisfy the political and social ambitions of the African people (the Kikuyu in this case)".<sup>5</sup>

These objectives were expected to accomplish a double role. First, to provide the dispossessed landless and unemployed Kikuyu with land in which they could be securely settled. Query: Is the man on the land really settled? Second, to facilitate smooth transfer of power by providing pre-conditions for political stability and consequently economic stability of the country as a whole. This paper is concerned with the first stated role. However, in retrospect one cannot under-estimate the programme's contribution to the ensuing political and economic stability (albeit at times superficial). Such a contribution go a long way in giving support to Collin Ley's<sup>6</sup> case that expenses of the programme should not be borne by a few poor and unfortunate peasants who were not architects of their plight. Other sectors of the economy derived directly or indirectly benefits from the programme. As such they should share in the expenses of the programme.

Turning to the effectiveness of the programme in resettling the landless, per se, it is necessary to be clear what we really mean by resettlement. Eric H. Jocaby's statement of the concept has found favour with the writer.

"Land settlement, designed to settle landless/unemployed is expected to provide a new setting for the man on the land which will make him stronger, more effective and better prepared to shoulder the new economic and political responsibility of citizenship".<sup>7</sup>

In such a design the move to the land is associated with a notion of liberation from bondage of serfdom and oppression. Resettlement programme viewed in that light is expected "to provide flexible and progressive framework for human activities which will assure a new deal for the man on the land"<sup>8</sup>, social, economic and political security.

EVALUATION OF KINANGOP RESETTLED AREA

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The remainder of this paper exposes the plight of the settlers (properly called allottees since it would be a misnomer to call them settlers in the light of the concept of settlement already stated). The problems that have deprived them of security of tenure are briefly examined. Emphasis is placed on the external manifestations of the insecurity, i.e. problems of loan repayments, problems of land use and adjustment in the new environment as a result of which LEASING, selling out and eviction are very common. In conclusion tentative suggestions, which in the writer's opinion could as well be the only hope of the allottees will be ventured.

A few words about the circumstances obtaining during the establishment of the Resettlement Schemes in Kinangop area would be in place here. The area comprises of a high plateau approximately 200,000 acres of high potential mixed farming land west of the Aberdares with mainly heavy sour soils in frost-prone climate. It is adjacent to the former Kikuyu Reserve. This was pursuant to the policy of resettling the landless as close as possible to their traditional reserve and in or as near as possible to their ancestors' land. Only the Kikuyu were eligible for resettlement in Kinangop. Not surprising, many have bitter memories of suffering for many years either in the former Kikuyu reserves or in the former European farms as squatters. Worse still many suffered during the Mau Mau uprising. Their aspiration for a parcel of land they could hold on to permanently were, therefore, high. A substantial number was part of the bulk of the land hungry who threatened political stability so much so that on instructions of Mr. Kenyatta a crash programme was undertaken to settle 3,000 families within twenty-one days prior to independence, within Kinangop.

The average cost of the plots is between K.Sh 4,000 - K.Sh 5,400. Average Development loan per plot is K.Sh 1,600 - K.Sh 2,500. The income target was about K.Sh 600 net p.a. The annual loan repayment on land purchase loan with 6.5% interest over 30 years amounts to about K.Sh 400 p.a. payable in two instalments. The annual loan repayment on development loan, also with 6.5% interest per year over ten years amounts to K.Sh 275. Development loan was provided for housing, fencing, buying livestock, crops establishment, etc. Usually this was in materials. On entry to the plots the allottees were to deposit stamp duty K.Sh 100 - 160, Legal fees K.Sh 20 and working capital deposit of about K.Sh 400.<sup>1</sup>

All the deliberations of establishing a resettlement scheme - selection of settlers, planning of sites, sub-division and demarcation of estates and general survey could not be carried out effectively in three weeks.

As a result distribution of materials such as barbed wire, cattle, corrugated iron sheets (as part of the development loan) was very disorganised. A lot of misappropriation is reported to have taken place.<sup>2</sup> This was especially a great drawback to a people hitherto landless or unemployed destitutes. This drawback together with the initial financial requirement left the allottees in a very bad financial position. No wonder problems beset the allottees the day they set foot in Kinangop. To make matters worse many had no idea that the land was to be paid for. This was because they lived under the notion that Kenyatta would return their stolen land. Others did not know and were not told at the time of allotment the form and amount of land development loan. This was to prove lethal to their economic well being, because this was the only source of productive capital. It was expected not only to bring in enough returns to repay the development loan, but also the land purchase loan,

as well as the subsistence produce, and the needs of the allottee and his family.

The problem will be discussed under two broad heads. First problem head is, in the context of and arising from the national development strategy. The second problem head covers general technical problems. These include problem attributable to haste of resettlement in Kinangop, recurrent land use problems, shortcomings of the co-operative societies. The adverse effect of these problems on the allottees will be considered. They are well manifested by the high outstanding loan repayments that have been billed, selling of the produce through the black market, sub-division of plots, selling, leasing and eviction.

PROBLEMS IN THE CONTEXT OF NATIONAL AGRICULTURAL DEVELOPMENT STRATEGY:

These category of problems are due to the capitalist agrarian strategy that has been followed in Kenya. First concentration of infrastructural features, research, extension services, etc., i.e important agrarian development resources, in areas of high potential<sup>2</sup> (often high altitude) while other areas are neglected. The second thrust, still concentrated in the so-called high potential areas, picks on a certain class of farmers. In the past these have been white settlers. But today prosperous Africans and Asians have joined this echelon of privileged farmers. These were considered to possess or would acquire the know-how and the assets upon which agricultural sector of the economy was said to depend. The policy has been, only those who contribute to the economy in substantial quantities, i.e. the large scale farmers in the Highlands should be given priority in channeling essential agricultural development resources. To the so-called 'nation builders'<sup>3</sup>

therefore, extension services, credit, etc., were channelled. Control of marketing pricing policies was in their hands through the control of statutory Boards e.g. Wheat Board, Pyrethrum Board, etc., and the main agricultural bodies such as the Kenya Farmers Association, the Kenya Growers Association. With control of essential agricultural inputs and the marketing and pricing policies, in the hands of the large scale farmers, the small scale farmers' needs were relegated to a subordinate position in very much the same way the dual agrarian system subordinated the African agrarian system to that of the white settlers.

In this connection D.L. Smith correctly observes, "This class" continues policies which are a legacy of the colonial era, and which were specifically designed for the protection of Europeans mixed farms settlers".<sup>4</sup> In summary the policy is only growers (not the tillers of the soil especially those who cultivate for subsistence) should get priority in agricultural resources. Moreover they should share the benefits, one and all, according to their respective contribution to the economy (whatever contribution means). In this order the small scale farmers including those in the settlement schemes are at the bottom of the ladder.<sup>5</sup>

"An inevitable consequence of this strategy, is a marked skewed income distribution such that whilst African large scale farmers may have annual farm income exceeding K£ 1000 and prosperous small holders may be earning between £200 and £600 per annum, the majority of small holders with pastoralists in the arid and semi-arid zones are receiving farm incomes below £120 p.a. often as low as £20 p.a."<sup>6</sup>

Under this strategy settlers in the resettlement schemes remain for ever impoverished. They are in a vicious circle. Because they cannot contribute enough in terms of nation building as indicated above, they cannot benefit from vital agricultural development inputs. And as they cannot so benefit they cannot produce enough. The result is increase in imbalance of access to resources between the 'better' farmers in the more endowed areas and the other farmers in the entire economy.

From the viewpoint of this strategy the plight of the allottees is made worse by the government's incorrect assumption that much development resources have been spent in resettling the landless. As a result the government has made the unfortunate decision of cutting down recurrent expenditure on the settlement schemes. Compared to other equally endowed the settlement schemes are greatly neglected. Most of the seconded personnel in the Department of Settlement were to be recalled back to their mother ministries after only two and a half years of establishment of the schemes. The settlement schemes were expected to reach maturity after only four years. Thereafter they were expected to be self-supporting and needed attention only to the extent they contributed to nation building.

The Government in making this decision left the allottees in the resettled areas burdened by a loan because factors considered elsewhere, made it impossible for the allottees to repay the loan as scheduled. As we shall see, involuntary leasing, illegal sub-division, eviction or outright sales were inevitable particularly in Kinangop South.

GENERAL TECHNICAL PROBLEMS

PROBLEMS ARISING FROM THE FACT THAT KINANGOP RESETTLEMENT SCHEMES WERE A CRASH PROGRAMME.

Due to the haste to resettle the allottees most of the essential starting inputs, such as livestock, fertilizers, seeds, dip facilities for cattle, fencing materials, etc., were not readily available. Mention has been made of misappropriation by government officials. The result has been lack of the productive capital i.e. the development loan out of which the allottees were expected to meet their means of subsistence, repay both land purchase and land development loan. Layout of the settlement schemes was not particularly well done, e.g. access to main roads were sometimes missing, some plots were too small or the boundaries were incorrectly demarcated. Consequently a lot of time and valuable cash was spent on preliminaries which should have been correctly done away with in the very early stages.

Many allottees were, therefore, called upon to meet first loan repayment (after six months) before they knew what was happening. Haberson J.W.<sup>7</sup> and Ruthenberg H.<sup>8</sup> report that some settlers used part of the development loan to repay the first loan instalment. This in effect means the few allottees who could have made a start were put back to square one.

RECURRENT PROBLEMS OF LAND USE:

Recurrent problems of land use took over, and in turn depressed the settlers more. Hitherto wheat, barley and pyrethrum farming in Kinangop was

highly mechanised. Small scale farmers using tractors, combine harvestors to the extent they could afford found it difficult to do the rest of the work using hand farming implements. The soils are coarse, sour and very heavy. They are therefore, very difficult to till with hand farming implements. Interviewing two extension officers (who have bought out allottees who could not keep up with loan repayments in South Kinangop) the writer learnt the oft quoted lack of technical know-how is not a valid reason for recurrent land use problems in Kinangop. The environment is in general, too hostile.

Pyrethrum growers, for instance, have difficulties in getting a high or even average output of pyrethrum content because many are compelled to dry it at home making use of make-shift driers, in place of the conventional large scale driers. Animal husbandry has not been any better as Table IV indicates. Many allottees never got their cattle as part of the development loan. Traditional bulls were not allowed. The reason was to keep exotic breeds pure and free from the diseases carriers. Artificial insemination was introduced but failed badly. As a result the allottee kept very few cattle. The dairy industry did not play the vital role it was expected to as a major cash earner for repaying the loans. See Table IV.

#### THE CO-OPERATIVE SOCIETIES:

Co-operative societies considered as a magic cure for most of the economic shortcomings in the present African scene have failed to live up to the expectations of many. In his Annual Report the Director of the Department of Settlements (1972) stated the role of co-operative as follows:

- 1) marketing of the main agricultural produce e.g. milk, pyrethrum, wheat, etc.;
- 2) preliminary processing or grading of produce prior to marketing e.g. drying of pyrethrum;
- 3) running the essential services to members e.g. dipping of cattle;
- 4) running of transport and contract ploughing on behalf of the members;
- 5) collecting of individual loans on behalf of Settlement Fund Trustee from the members;
- 6) buying the essential inputs like fertilizers, seeds, etc., for resale to the members.

However the Director adds quickly that 'the demands exerted on these societies by the members may at times be too much for the poor semi-literate honorary officials who form management committees'.

It is regrettable to note as Table II and IV studied together show, that in certain respects the co-operatives have failed to discharge their roles. The 1971 and 1972 Annual Reports of the Department of Settlements indicate a higher produce than ever before in pyrethrum and milk products. However very little is marketed through the co-operatives. The logical conclusion as Ruthenberg H.<sup>9</sup> and Von Haugwitz W.H.<sup>10</sup> report, are rejection of co-operatives as middlemen - a very ruthless middleman. Farmers are increasingly selling their produce through the 'black market'.

Some roles of the co-operatives warrant special mention. The co-operatives have not established themselves as competent channels for the marketing of farm produce. 'originally' reports Von Haugwitz W.H. for political reasons the marketing sector could not be handled by private traders because at that time private trading was in the hands of expatriates. Trade could not be Africanised at once.

Establishing the co-operative was the only alternative left.<sup>11</sup> However with time an African middleman class has emerged. Through underhand manoeuvres particularly by control of the co-operative's committees and the settlement staff out in the field, these middlemen have undermined the role of co-operatives as channels of marketing the main agricultural products e.g. milk, vegetables, etc.

Another serious abuse of the role of the co-operatives is in the area of running of transport and contract ploughing. Originally because of lack of transport, and farm machinery, the Department of Settlements as a matter of policy encouraged private contractors to plough and provide transport facilities to the co-operatives. For this purpose specialist contractors resident in the schemes were advanced special loans to buy farming machinery. Any prospective contractor who could raise 33% of the capital value of the equipment required, qualified for loan funds of up to 66% of the total value of the machine, repayable over a period of two years at 6.5% interest. These contractors, although originally intended to provide ploughing and transport facilities for a short period are there to stay. The contractors do everything possible to perpetuate their hold on the co-operatives.

In South Kinangop the writer met over such a contractor who owned a fleet of eighteen tractors, four combine harvestors, and several heavy commercial lorries. To keep their business going these contractors through control of committees of the co-operatives have ensured that the few machinery, tractors, lorries, etc., that are owned by the co-operative societies handle as little farm work in the fields as possible. The tactics they employ include ensuring under-utilising the co-operative's machinery, say the lorry of a co-operative should only transport milk to the dairy in the morning and no more. The rest of the day it remains idle. The fleets of machines required by the

co-operatives are often below the actual demand, even where there are funds to buy more. Bribes have been offered to the co-operatives tractor maintenance crew to insist the tractors are permanently grounded. Yet the settlers have to pay a quoted percentage of their farm returns to the co-operatives to purchase these machines.

Cattle dips are not well maintained. They can hardly get rid the cattle of the ticks. Moreover the co-operatives do not buy essential inputs, seeds, fertilizers, enough to resell to the farmers. The little that is bought is not delivered on time for planting. Many farmers, as a result of these failures, are quitting the co-operatives unilaterally.

The overall effect of these problems is failure to meet budget target by the farmers. According to data collected by Farm Economic Survey units (F.E.S.U.) the value of marketed sales in the first year in Kinangop area reached only 60% - 70% of the target. Expenses have been much higher than expected thus leaving a balance hardly sufficient to repay the loan.

#### DIFFICULTIES IN LOAN REPAYMENT:

The repayment system is as follows. Instalments on both land development and land purchase loans are payable together every six months. The amount due in instalments is indicated to each settler by the rendering a statement of account which shows the amount due on arrears, and the new instalment which becomes payable on the date of billing. The co-operative society collects the loan repayment and sends them to the Chief Accountant in Nairobi. The payment takes the form of deductions made by society for produce sold by members.

A comprehensive study of Tables I to IV inclusive lead to telling conclusions on the position of loan repayments. Table I indicates between 1967 and 1969 there was a slight improvement in loan repayment. However, from 1970 onwards percentage of total amount billed that was repaid decreased steadily as Table II shows. This is inspite of steady increase in farm outputs throughout the late 1960s and early 1970s. Careful study of Table II supports the argument that despite increase in production sales through the 'black market' to avoid deductions for loan repayment explains the inconsistency between the increasingly poor loan repayment trend vis-a-vis increase in farm produce.

In Githioro, Karati, and Njabini schemes, the actual number of dairy cows as of 13-12-72 was more than the number of cows budgeted.<sup>12</sup> But due to the large quantities of milk sold through the 'black market' the percentage of milk budgeted sold through the co-operatives in 1971 and 1972 was very low: Table IV.

Other fast money spinning crops like vegetables are sold through the so called black markets. These factors have jointly contributed to the poor loan repayment position, as the more, crops are sold through the so-called 'black market' little funds are left in the hands of the co-operatives from which loan repayment deductions can be made.

It is important to note that neither Von Haugwitz, nor Ruthernberg H. or the Annual Report of the Department of Co-operatives, or the Department of Settlements, record any produce of wheat or barley. Yet any casual visitor to Kinangop just before harvest would be impressed by the high acreage devoted to these crops. It is obvious few of the original allottees are planting

these crops. They are known to be leasing their plots to get-rich-quick ruthless tenants. This is despite the fact that such leasing is illegal according to the Certificate of Allotment; moreover, leasing, sub-division, selling out are prohibited unless the Minister of Settlements or anybody acting on his behalf gives permission. Furthermore, these are dealings in land within the meaning of Land Control Act, and therefore of no legal effect unless the Land Control Board gives consent to such dealings. To the best of the writer's knowledge no such compliances are sought. Leasing is discussed in the next chapter. Before we discuss it, it is in place to mention the direct causes of difficulties in loan repayments.

First the timing and the amount of the target budgets were inappropriate. Under the conditions obtaining in Kinangop it would be expecting too much to insist first instalments be paid within six months when the settlers would have hardly found their bearings in the new plots.

The budget for nearly all farms at the High Density Schemes were too ambitious and unrealistic. Several reasons indicate this is so. The cash surplus on the average amounts to K.Sh 600 p.a. based on the average target gross income. This surplus is too low. Outgoings such as feeding the family, education fees, clothes, shelter, etc., were badly underestimated. The dependants on the allottees were also underestimated, just as the cost of establishing the plots. As many as twelve dependants were noted by the writer. This does not compare with the estimates of five to seven. Where the allottee did not get the materials as part of development loan they had to start on nothing. All these factors coupled with higher cost of buying basic farm inputs, such as barbed wire, house materials, left the allottees in a financial mess.

Unwillingness to repay the loans is another explanation. This is a political reason. As observed elsewhere, the allottees in Kinangop are associated with the freedom fighting during the Mau Mau uprising. Many were members of the Land Freedom Army. They cherish the belief that land should be free to the settlers. Haberson J.W. reports:

"In 1966, a siftings committee, comprising of the director of settlements as chairman and eleven members of Parliament, including the Assistant Minister for Lands and Settlement, toured the settlements and attempted to identify those chronic defaulters who had the means to repay. Ten lost their plots for failure either to repay or to observe the conditions in their Letter of Allotment. One thousand others were warned to take steps either to repay and/or conform with the conditions of their tenure or face eviction. Of these 486 settlers complied with the demands upon them and escaped eviction. The remainder continued under threat of eviction".<sup>13</sup>

The poor performance of the co-operative societies has also contributed to the poor repayment of loan position.

LEASING

Despite prohibition against sub-division, letting and Leasing of part or whole of the plot by express condition in the Certificate of Allotment, incidence of breach of this prohibition is alarmingly high in Kinangop. Statistics are not readily available but there is overwhelming evidence that this is so. Farmers readily produce facts and leasing statistics, such as the amount of rent, length of the lease, etc., as they had occasion to when they complained to the Director of Settlements during his tour of Kinangop recently. Mr. Laban Muchemi (Director of Settlements) got the following example, quoted in extenso in a local paper:

"One farmer, 'the report said' in Karati leased a 40 acre plot out of his 43 acre-farm. The plot was leased to a rich man in Rift Vally Province who on leasing the 40 acres left the landlord with only three acres for his animals and crops.... As a result all his cattle grew thin and some died from lack of grazing before the wheat season was over. According to the lease agreement the freelance farmer paid K.Shs.570 a year for 1975 and 1976 and is expected to pay Shs.595 in 1977 and Shs.590 in 1978 for lease fees. In contrast during the 1975 harvest the freelance farmer harvested 300 bags of wheat which earned him Shs.36,000. The harvest boomed this year while the landlord continued to suffer", the report concluded.

Daily Nation, Wednesday, November 24, 1976.

This is how it all started and operates at present. Originally a system of Minimum Financial Return (M.F.R.) was introduced designed to help settlers at a time when funds were particularly short. Loans were advanced by the Agricultural Development Corporation, The Wheat Board, and the Kenya Breweries, particularly for growing of wheat and barley. The loan takes the form of payment for the services e.g. ploughing, planting, etc., and farm inputs such as seeds, fertilizers, etc. All these expenses are provided by any of the companies, or boards. The expenses are deducted from the returns of the harvest leaving the loan recipient with all the profits

subtracting rent. As the example ~~indicated~~ above indicates, the rent is shamefully low - computed into acreage p.a. it comes to no more than Shs.15, at times as low as Shs.11 per acre p.a. Yet as shown by the example quoted the returns are very high. Another advantage is that the market is guaranteed, for instance the wheat Board and the Kenya Breweries buy the entire crop. The little technical advise that is needed is provided by the settlement officers.

As usual not many allottees have been aware of such a system. The freelance farmers knew not only of the system but also, all that one need show was a minimum acreage suitable for the crop. M.F.R. is applied for. The land whether owned or 'leased' by the prospective M.F.R. recipient was irrelevant. Armed with this information the get-quick-rich freelance farmers invaded Kinangop, a well known high potential wheat and barley plateau. Every conceivable tactic is used to get the allottee to part with his plot. Although some enter into some form of a lease agreement, chicanery and sheer deception are quite common. Allottees have been tricked that they would share the harvest, deceived that the lessee would negotiate an M.F.R. advance for them, that allottee loan arrears would be cleared from the returns of the harvest, etc. The poor illeterate allottee can hardly be expected to know such a lease agreement is not only illegal but void ab initio.<sup>1</sup>

More depressing are the destructive methods of farming that are employed. The lease is usually two to five years. There is a reason for this. In the event of a poor barley or wheat harvest in the first season, this is compensated for in the second season. Usually bad harvests alternate with good ones in Kinangop. Hence the need for at least a two year lease.

But after four or five years of consecutive wheat or barley farming using heavy machinery but doing a bad job i.e. shallow and without paying sufficient attention to proper drainage, the top soils forms into a hard crust. As a result the depth of perviousness is reduced and the water holding capacity of the soil is reduced. The soil tends to dry up much faster. The hard crusts that is formed prevents roots of the crops from growing deep enough. Production therefore, declines tremendously. The land can only be reclaimed by use of special deep ploughing tractors, obviously too expensive for the poor allottee.

The get-rich-quick freelance farmer finds a high potential land, tricks the allottee to lease it to him at a shamefully low rent, and leaves when he has completely wrecked the soil. With debts up to his neck (and soaring by the hour), a wrecked land, standards of living that is a disgrace to humanity, no means of raising money to reclaim the land, the poor allottee finds the security of tenure for which he has wept, sweated and shed blood, far out of reach.

Small wonder most settlers have resorted to illegal sub-division (giving part of the plots to relatives hoping they will help arrest the ever-soaring billed arrears on loan repayment). Others make outright sales if they have a place to go back to in the ever-crowded former Reserves. Others repay meagre sum to indicate they have the will but ability to repay is lacking. Yet others, especially those associated with the freedom fighters during the Mau Mau uprising, cherish the belief that land should be free to the allottee and pay a meagre sum when threatened by impending eviction.<sup>2</sup> The allottees are as insecure and unsettled as ever before. There is no legal, social or

economic security. They will eventually be squatters in their 'own country' and on their 'own plots'.

The only difference as Haberson J.W. observes is "a recourse through the political processes, for the government has armed itself with the power to summarily attach their plots as well as their movable property to satisfy the debts".<sup>4</sup> The only security for the allottees lies in the safety of members. As Haberson J.W. predicts:

"The government cannot and would not replace all the settlers on the settlements. It has no reason to think new settlers would accept payment responsibilities with any more alacrity than the present settlers and it could not begin to accept the political price of evicting 30,000 settlers, even if it had the administrative means to do so".<sup>5</sup>

This prediction is surprisingly correct. For the government admitting free hold title is out of reach of the settlers through repayment of the loans, and by implication, accepting it cannot accept the political price of evicting about 30,000 allottees has embarked on the following policy in the 1974-1978 Development Plan:

"In order to alleviate this problem poor loan repayment performance the government will offer all of the settlers, the option to convert from the present system based on their acquiring the freehold title to the land, to a system of leasehold where ownership of the land will be vested on the government and the settlers will be assured of security of tenure at an annual rent of 5% of the land value. Should the farmers not wish to exercise this option they will be expected to keep their loan repayments up to schedule, failing which they will be required to make their land available to other landless and unemployed people".<sup>6</sup>

The plan continues that "the government is also considering alternative ways of reducing the burden of loan repayments on the farmers through discontinuing charging interest on arrears, extending repayment period, etc". While the

latter proposal is a welcome move in the correct direction, it is submitted that the main source of the difficulties of loan repayment in the short run remains the principal sum. Aware that the farmers have not been able to clear the principal sum alone in the past, the writer fails to see how they will do so now even without the interest on the arrears. Without an overhaul of the programme as a whole the writer feels half-measures will not solve the problem.

Turning to the first proposed alternative in the Plan the writer feels it leaves much to be desired. It reminds one of the early colonial days Land Ordinance declaring the legal status of Africans (natives then) in relation to their land. This as stated elsewhere was clearly and with a tone of finality stated by Jacob Barth C.J. in WAINAINA v. MURITO<sup>7</sup>, holding that the effect Crown Lands Ordinance 1915 and the Kenya Annexation Order-in-Council 1920, and the Kenya colony Order-in-Council 1921 which converted the Protectorate into a colony, was to take away all the native rights in the land and vest all land in the Crown and leave Africans as tenants at will of the Crown in the land actually occupied<sup>8</sup>. If anything the present position is worse because the tenants have to pay rent.

This statement of the legal position of Africans in relation to their land has held sway against time and change of faces at the top for fifty-four years. It was to be restated, not by a white chief Justice at a Court of Law, but by a black African Minister of Finance and Economic Planning in his most authoritative capacity - stating the guiding economic policies of Kenya for years to come - the Development Plan. It is doubtlessly true, therefore, allottees in the resettled areas have never de facto, and de jure been securely settled. When will the end to all this come?

TABLE I.

POSITION OF LOAN REPAYMENTS

SCHEME	TOTAL AMOUNT BILLED ON	PERCENTAGE P A I D	ARREARS ON	ARREARS
	31.3.67 31.1.69		31.3.67 31.1.69	1969 RELATIVE TO 1967. 31.3.67 = 100
	(£)	(%)	(£)	(Relative)
KARATI	39,365	62	14,674	136
	71,943	70	19,920	
NJABINI	54,192	48	28,380	177
	98,675	47	50,334	
SOUTH KINANGOP	63,706	49	32,267	161
	118,305	55	51,910	

TABLE II.

AVERAGE % PAID OF TOTAL AMOUNT IN THE STUDIED SCHEMES:

VIZ. KARATI, NJABINI, GITHIORO AND SOUTH KINANGOP.

YEAR	PAID PERCENTAGE OF TOTAL AMOUNT BILLED
1967	53
1969	50.6
1971	53.01
1972	49.11

TABLE III

PYRETHRUM PRODUCTION: JANUARY - DECEMBER, 1972

SCHEME	QUOTA KGS	DELIVERY KGS	PERCENTAGE OF QUOTA
KARATI	130,000	103,014	79.2
NJABINI	80,000	46,819	55.5
SOUTH KINANGOP	302,500	160,704	53.1
GITHIORO	12,000	18,235	152.0

TABLE IV.

MILK PRODUCTION - 1971 and 1972

STATISTICS AS OF 31.12.72

SCHEME	Dairy Cows Budgeted	Actual cows as of 31/12/72	Difference (+) or (-)	Actual cows percentage budgeted	Milk Budgeted i.e. 300 gall. X No. of cows	Gallons Sold through co-ops 1971 1972	% of milk budgeted sold thro' co-ops. 1971 1972	Average Gallons Per Cow Per Year
GITHIORO	150	384	+234	256.0	450,000	13851 38950	30.78 86.55	104.4
KARATI	780	989	+209	126.79	234,000	128782 228671	53.75 47.72	231.2
NJABINI	1079	2120	+1041	196.48	323,700	79112 151056	24.07 46.67	712
SOUTH KINANGOP	1189	986	-203	82.92	356,700	283606 499318	79.51 139.98	506.4

Sources: Annual Report, Department of Settlement 1970, 1971, and 1972.

Von Hawgwitz, Land Settlement Mission,. 1966.

SUMMARY AND CONCLUSIONS

The writer has maintained throughout this paper that insecurity of tenure in the resettled areas can only be appreciated in historical perspective. From the day the white settlers set foot in Kenya Highlands up to the present the government of the day has given them a privileged position in Kenya's agricultural sector of the economy. In all agricultural policies they are given first priority. This is largely because it has been wrongly assumed that agricultural sector of the economy depends on them to a very large extent. Their privileged position has therefore been maintained at whatever cost.

In contradistinction the displaced Africans have suffered as was inevitably the consequences of pursuing the dual agrarian system. Their problems have been seen in the context of a dual agrarian system. To the extent that they did not help the privileged whites' position or were inconsistent with their interests policies designed to solve their (the Africans) problems found their way to the waste-paper basket. Further, commissions charged with the task of solving African agrarian problems worked in straight jacket i.e. they had to make proposals in so far as they were designed to help the whites or were at least not inconsistent with their interests.

The result was by Independence the European settlers had built their position from strength to strength, economically and politically while the Africans in their reserves continued to be impoverished by the hour - unemployment, landlessness, apathy, etc., exploded into the Mau Mau uprising. By use of social, economic, political and military strong arms tactics the

uprising was put down, but left landless not any better off.

By Independence the landless and unemployed posed no mean problem. Having decided to pursue agrarian strategy of the colonial era the Independent Kenya's government did not go far in its attempt to resettle the landless and unemployed. As recently as 1974 the legal position of the so called resettled Africans in relation to their land was stated in very much the same words as it was stated in 1923.

The writer maintains so long as the present agrarian development strategy continues the settlers will be insecure and unsettled - economically, socially and politically insecure-for years to come. This is likely to be the position in Kinangop area when one considers the general technical problems facing the allottees. Consequently illegal sub-division, involuntary leasing, eviction or selling out are likely to remain normal features in Kinangop.

To the general technical problems the writer's proposal is a general and complete overhaul of the entire resettlement programme. A new leaf has to be turned. Past experiences should be a good master.

Some problem areas deserve special mention. The position of loan repayment is beyond redemption and in any case no case can be made for the continuous repayment of the same by the allottees themselves. It should be written off or other parts of the community should lend a hand and pay their due share indirectly in terms of say taxes. In the short-run co-operatives should be let to grow from the common conscience of the people to co-operate.

As such, policy dictates from above directing allottees to co-operate should be discontinued.

Dealings contrary to the interests of the allottees, or in contravention of the Certificate of Allotment should be stopped. In particular leasing at Kinangop should be stopped as this is one of the short cuts to making allottees squatters in their own plots.

However the above proposals will not put the allottees on the road to real resettlement, to security of tenure. They will at best ameliorate their present plight. This is because such proposals within the present system will at best meet lip-service from the establishment, at worst hostile opposition. It is time land was returned back to the tillers and an egalitarian system takes over. Only under such a system can allottees of plots under programmes, such as the Million Acre Programme, be securely settled.

FOOTNOTES

Chapter One:

1 Jomo Kenyatta, Facing Mount Kenya, (Oxford University Press, 1939)

Chapter 2 .

2 John W. Haberson, Nation Building in Kenya, (North Western University Press. Evanson - 1973) at pp.8-9 .

3 (1923), 9(2) K.L.R. 102, .

4 The Government of Kenya, Report of the Kenya Land Commission, 1932, (Government Printer, 1933) at pp. 144 .

5 M.P.K. Sorrenson, Land Reform in the Kikuyu Country, (Oxford University Press, Nairobi, 1969) Chapter One. 2 .

6 From a letter quoted by Sorrenson M.P.K. op. cit. Chapter One. 2 p 21 .

7 The Kenya Land Commission, op. cit. See note 4 above.

8 Kikuyu: Large parcel of land owned by a family as one unit.

See generally Jomo Kenyatta, Facing Mount Kenya, op. cit. Sorrenson M.P.K., Land Reform. op. cit.

9 See generally evidence given to the Kenya Land Commission, op. cit. Chapters: M.P.K. Sorrenson, Land Reform. Chapter 2

- 10 If the Githaka system was recognized claims based on historical ground would have been accepted.
- 11 The Kenya Land Commission, op. cit. p 137.
- 12 See generally Clayton E.S., Agrarian Development in Peasant Economies, (Pergamon Press, Oxford, 1964)
- 13 Public Law and Political Changes in Kenya, Oxford University Press, Oxford, Nairobi, 1970 Chapter 3, at pp. ~~124~~ 93.
- 14 Ghai Y.P. and McAuslan, J.P.W.B., Public Law op. cit. chapter 3. pp 96.
- 15 Ibid., chapter 3. pp 96.
- 16 Swynnerton, R.J.M., A Plan to Intensify the Development of African Agriculture in Kenya, (Government Printer, Nairobi. 1954)
- 17 See generally, Sorrensen M.P.K., Land Reform for a more comprehensive exposition on this matter.
- 18 Ibid. Chapter 4. 13 pp 227

Chapter Two:

- 1 See generally Haberson J.W. op. cit. The conclusions for materials discussed in this section.

- 2 The myth of large scale farms has been unveiled successfully by S.N. Hinga and Judith Heyer, in Heyer, Maitha, and Senga (Editors), Agricultural Development Policy in Kenya, (Oxford University Press, Nairobi, 1976) Chapter 8.
- 3 Haberson J.W., Nation Building in Kenya, op. cit. The conclusions pp 17
- 4 This is the recorded cost of the Million Acre Resettlement Programme, since it was started in 1962: Source, 1974 - 1978 Development Plan, pp 216.
- 5 Stated by the Director of Settlements in his Annual Report, 1972.
- 6 Underdevelopment in Kenya; The Political Economy of Neo-Colonialism, (Heinemann, Nairobi, London, Ibadan, 1975) at pp. 66-73.
- 7 Man and Land: The Fundamental Issues in Development, (Andre Deutsch, London, 1971) at pp. 275-276.
- 8 Ibid at pp 276.

Chapter Three:

- 1 Sources: Annual Report, Department of Settlements, 1972.  
  
Ruthenberg Hans, African Agricultural Production Development Policy in Kenya, 1952 - 1965. (Ifo Afrika - Studien 10, Springer - Verlag, Bonn 1966)
- 2 High Potential to mean areas with reliable rainfall, not very slopy and where the soils are fertile.
- 3 Reports by Haberson J.W. Nation Building in Kenya .op. cit. chapters 3 and

- 4 J. Heyer, J.K. Maitha, W.M. Senga, (Editors) Agricultural Development Policy in Kenya, Chapter four, contributed by L.D. Smith.
- 5 For a comprehensive and detailed exposition see generally Haberson, Nation Building in Kenya, Chapter 5
- 6 Statistics from the I.L.O. Mission Report pp. 74-75.
- 7 Nation Building in Kenya, op. cit. chapter 6
- 8 op. cit. Chapter ~~at pp~~ Section G at pp 71-78
- 9 op. cit. Chapter pp 76-77
- 10 op. cit. Chapter Section G pp 63-65.
- 11 Reports, Ruthernberg, H. African Agricultural Statistics quoted on this page are from the same Report.
- 12 These were revised Budget targets.
- 13 Nation Building in Kenya. op. cit. pp.299-300.

Chapter Four:

- 1 The Land Control Act, Cap 302, Section 6, Laws of Kenya.
- 2 Nation Building in Kenya, op. cit. Chapter 6 pp 299-300.

3 Ibid. at pp.299.

4 Ibid. at pp. 300.

5 Ibid. at pp. 300.

6 Development Plan 1974 - 1978, (Government Printer, Nairobi, 1974)  
at pp. 228 Part I.

7 (1923). 9(2) K.L.R. 102.

8 The emphasis is mine.

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