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A SOCIO-ECONOMIC STUDY OF THE KENYA
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STUDY OF THE UHURU GOVERNMENT.

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HOWARD UNIVERSITY

A SOCIO-ECONOMIC STUDY OF THE KENYA HIGHLANDS
FROM 1900 TO 1970: A CASE STUDY
OF THE UHURU GOVERNMENT

A Dissertation
Submitted to the Faculty
of the Graduate School

of

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by

Ng'weno Osolo-Nasubo

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DISSERTATION ABSTRACT

A SOCIO-ECONOMIC STUDY OF THE KENYA HIGHLANDS FROM 1900 TO 1970: A CASE STUDY OF THE UHURU GOVERNMENT

The Kenya Highlands was the subject of almost bitter struggle throughout the colonial era.

The Kenya Africans who fought in the war of liberation ('Mau Mau'), had only one primary purpose; the return of all the lands grabbed from them by the European settlers and the colonial authorities. The Mau Mau ideology was that the Europeans must relinquish all the Highlands, which would then be evenly distributed to the landless Africans. This study examines the position of the Highlands at present in light of the above, now that Kenya is independent.

The essential procedure adopted for this study was to examine and analyse (Government printed) documentary evidences collected from the Government Archives in Kenya, and from Library resources. Documents from the British Colonial Office (now Commonwealth Office) were also examined. Other written literature from secondary sources on the Kenya Highlands were examined and analysed.

The evidence arising from the Documents and other literature were critically examined so as to delineate the following factors which formed the basis of the analysis

that was made in this study: (a) Qualification for land grant, (b) Limitation on land area allocated, (c) Limitation on land use, and (d) Land ownership and use.

In our study and analysis, we have found that much of the Highlands is still in the hands of Europeans. The study also reveals that landlessness and unemployment are still rampant among the masses, and even in the amount of settlement schemes which the colonial and the Uhuru Governments brought about through the buying out of a section of the Highlands, much of the consideration has been in the Highlands' periphery near the so-called 'African Reserves'. This portion of the Highlands had in fact been left uncultivated by the former European owners due primarily to its ecological structure, and partly because it was situated close to the 'African Reserves'. Another emphasis has been on consolidation and registration of land in the 'African Reserves'.

According to the Uhuru Government's Sessional Paper No. 10 (African Socialism and its Application to Planning in Kenya), the Government declared that settlement (or re-settlement) programs have accomplished their intended purpose, and, therefore, will now be slowed down. (Government's Development Plan for the period 1970-1974, states (page 192)

that "only about 22 per cent of the agricultural development expenditure will be used for the land transfer during this Plan period").

In our study we established that the gap between pre-Uhuru promises and prospects vis-a-vis the post-Uhuru realities has not been closed, instead that gap has widened. The study also reveals that in the government's land transfer programs, more Europeans (and a few Asians) have acquired more land than have the Africans; to the extent that the number of Europeans now owning land in Kenya exceeds the one during the eve of independence in 1960. Thus, only one-fifth of the Highlands has been allocated for settlement of Africans. Even those African families who have been resettled are saddled with burdens as a result of the kind of loans private financing institutions offer them. The Uhuru Government has not adequately sought to assist these young farmers. On the contrary, the Government found herself obliged to pay exorbitantly high compensation to European farmers who wished to surrender their farm and either returned to Europe, or bought other farms elsewhere in the Highlands.

The study also noted that the Uhuru Government has opted for a capitalist ideology of individual and private

ownership and accumulation of land (and other property). Thus, the Government is instituting a new African class of landlords vis-a-vis many landless peasants to join the already entrenched large-scale white farmers. This point is underscored by the government's land consolidation and registration policies; and especially in view of the absence of legislation to set limitation of the size of individual land-holdings. In other words, size of land-ownership in the Kenya Highlands is open to whoever has the money. Consequently, the majority of African peasants who apparently have no money, cannot afford to compete with many whites and a few Africans and Asians who apparently have the money, and also would want to buy the land.

The study ends with these recommendations: (a) Immediate take over by the Government of all the land still in the hands of Europeans; (b) Minimum compensation to be paid to those whose land (or farms) is re-possessed; (c) More land programs should be opened up by the government for the purpose of resettling landless peasants; (d) Complete and total elimination of landlordism; (e) The necessity to impose ceilings on land holdings; (f) A law to establish minimum farm wages and a committee to be set up to oversee this law; (g) Total ban on absentee land

ownership; (h) Establishment and enlargement of co-operative farming.

It is our conjecture that if the above recommendations are adopted, the government would thus help to alleviate the Africans' long and bitter struggle and experience ; otherwise, the landless Africans may again resort to 'sharpen the machetes' and precipitate another 'Mau Mau' in order to solve the land issues once and for all.

DEDICATION

To my most beloved parents, the late Zakariah Obwora Osolo, and Rahel Auma Nakholi-Nasubo, whose consistent teaching of the value of land to the African people continues to inspire me. To my beloved sister Doris Makuda Anyango, who made my journey overseas for higher education possible, and last, but by no means least, to those who gallantly fought and lost their lives during the plight of colonialism, so that their kith and kin may recover the land, and so happily live, this dissertation is dedicated.

Ng'weno Osolo-Nasubo

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My interest in seeing Africa free from all yokes of foreign domination dates several years back, when, as a young boy, I used to see many enormous farms owned by Europeans, but managed by African men, women and even children; and would always ask my parents (or anyone around me): "Why is it that only the Europeans own huge farms, while we Africans have only little plots?" The reply always was: "They cheated us, they think we are fools, but in reality, it is because we lacked the necessary requisites; i.e. education, unity and weaponry. We want you to grow up and attain the first requisite, then write a book about how these people cheated us. Those who read it may then have the courage to seek the other requisite."

The fulfillment of the 'first' would not have been possible without the assistance of the following: First, the administration officials and faculty of Ricker, College-of-the-Northeast, Houlton, Maine, U.S.A., who, after I enrolled there in the middle of a rigorous winter in 1964, continuously persuaded me not to quit (for I was extremely poor and unaccustomed to winter weather. Consequently, I had decided to return home in

East Africa, rather than to tolerate such inhuman conditions). My thanks go particularly to Mrs. Hayes, Professor and Mrs. Barton T. Akeley (the latter having constantly supplied me with necessities of life, and, also, having allowed me to use the College Library as late as 3 a.m.).

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Ng'weno Osolo-Nasubo

TABLE OF CONTENTS.

	Page
Acknowledgments.....	ii
List of Tables.....	viii
List of Illustrations.....	xi
 <u>Chapter</u>	
I. INTRODUCTION.....	1
A. Purpose.....	1
B. Nature of Problem and Leading Ideas....	2
C. Previous Related Studies.....	19
D. Definition and Explanation of Terms....	25
E. Methodology.....	30
II. FROM "KENYA" TO "WHITE" HIGHLANDS.....	34
A. Location of the Highlands.....	34
B. Traditional Land Tenure in the Highlands.....	40
C. Early British Land Policy in Kenya....	48
D. An Attempt to Turn the Highlands into a 'Sanctuary to the Holyland'....	60
III. SOCIO-ECONOMIC IMPACT OF THE EUROPEAN SETTLEMENT ON KENYA AFRICANS.....	71
A. Settlement of Europeans.....	71
B. Demand for African Labor and Taxation..	83
C. Education.....	99

<u>Chapter</u>	<u>Page</u>
D. Disruption of the Africans' Communal Life.....	114
IV. AFRICAN RESISTANCE TO EUROPEAN SETTLEMENT	129
A. Pre-Mau-Mau Period.....	129
B. Mau Mau Showdown and the Declaration of Emergency.....	139
C. The Swynnerton Land Development Plan (Report).....	151
D. Impact of the Swynnerton Plan on the African Lands and the Highlands.....	156
V. LAND POLICY: LAND CONSOLIDATION AND REGISTRATION FROM 1954 TO 1960.....	163
A. Land Ownership.....	163
B. Governor's Speech in Legislative Council on Land Consolidation and Registration in African Areas as a New Government Policy.....	164
C. Political Situation During the Transition Period.....	172
D. Political and Economic Conditions for 'Uhuru' (Independence).....	194
E. Beginning of 'Tokenism' under the Land Transfer Program.....	205
VI. POST INDEPENDENCE ERA: LAND POLICY (AGRICULTURAL REFORM).....	212
A. Uhuru Government's Land Consolidation and Registration Program.....	212

<u>Chapter</u>	<u>Page</u>
B. The Lawrence Mission's Report & Recommendation on Land Consolidation and Registration.....	223
VII. MAJOR LAND PROGRAMS.....	245
A. The Million-Acre Scheme.....	249
B. The 'Yeoman' Scheme.....	270
C. The Harambee Settlement Scheme.....	275
D. Ol'Kalou' Salient.....	275
E. The Squatter Settlement Scheme.....	277
F. Credit Programs for African Small-Scale Farmers.....	290
G. Credit for Large-Scale Farmers.....	296
H. Problems Encountered By Farmers Regarding Repayment of Loans.....	299
I. Transportation and Communication.....	306
J. Irrigation and Water Supply.....	310
VIII. AN OVERVIEW OF THE UHURU GOVERNMENT'S LAND POLICY.....	315
A. Public Opinion.....	315
B. A Focus on the Present Land-Balance-Sheet.....	341
IX. SUMMARY, CONCLUSION AND RECOMMENDATIONS....	368
BIBLIOGRAPHY.....	394
APPENDICES.....	413

LIST OF TABLES

<u>Table</u>	<u>Page</u>
1. Kenya Land Distribution - 1946 to 1948 Inclusive.....	59
2. Summary of Revenue Collected in 1931 (in British Pounds).....	98
3. Government Expenditure on European and African Education.....	103
4. Allocation of Educational Funds for African, Asian and European Children 1944-1946 (in British Pounds).....	105
5. Number of Pupils in Each Racial Category...	106
6. A Comparison of Recurrent Gross Expenditure By the Education Department During the Period 1950-1951.....	107
7. Recurrent Net Expenditure During 1950-1951.	108
8. Higher Education and Overseas Bursaries and Scholarships.....	109
9. Number of Government Bursaries Held 1960-62	110
10. Number of Loans for Higher Education Overseas 1960-1962.....	110
11. Estimated Monthly Requirements for a Single Man.....	116
12. Phased Development of Cash Crops.....	154
13. European & Asian Land-Holdings in Kenya, 1960 & 1961.....	207
14. Land Transferred to African Use to 1968....	222
15. Some Selected Figures of Production for Nyeri District.....	227

<u>Table</u>	<u>Page</u>
16. Estimated Expenditure of the Million-Acre Scheme as At 31st December 1970.....	256
17. Land Transfers Outside the Settlement Schemes by 1965.....	259
18. Size Distribution of Large Farm Holdings in Kenya, 1963.....	266
19. Size of Distribution of Small Farm Holdings in Central and Nyanza Provinces of Kenya 1961.....	267
20. Number of Africans Supported per Acre by District/Province.....	268
21. Production Marketed Through Co-Operative Societies from 1963-1968 (in Shillings).....	286
22. Direct Loans to Small-Scale African Farms Up to 30th June, 1964.....	294
23. Annual Loan Repayments Collected During the Period 1963 Through 1969.....	302
24. Land Owned by Large-Scale African Farmers in the Highlands 1967.....	351
25. Land Owned by Large Scale African and Non-African Farmers in the Highlands 1967.....	353
26. Large Farms - Size of Holdings 1961-1969....	355
27. Large Farms - Land Utilization, 1960-1969....	355
28. Land Re-Settlement - Area Planned and Plots Allocated, 1966/67 - 1969/70.....	356
29. Summary of the State of Schemes as at December 31, 1970.....	358

<u>Table</u>	<u>Page</u>
30. Population: Annual Estimates 1961-1970.....	361
31. African Population in Urban Centers of Kenya 1962 and 1969.....	362
32. Kenya Population Census, 1969.....	363

LIST OF ILLUSTRATIONS

<u>Figure</u>	<u>Page</u>
1. Kenya Highlands - Showing Original Occupiers and their Location.....	37
2. Map of Kenya Showing New Regional Boundaries	183
3. Chart Showing Percentage Loan Repayments....	304

A SOCIO-ECONOMIC STUDY OF THE KENYA HIGHLANDS
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CHAPTER I

INTRODUCTION

A. Purpose:

The purpose of this study is to examine certain factors resulting from the power of whites and Asians in Kenya at the beginning of this century. This conflictual interaction obviously raised many social and economic problems between the new settlers and the indigenous Africans. (The traditional African land system did not seek to create landed and landless situation in the society, for everyone was an owner of land). When, however, Kenya became a British colony, this was made one of the objectives of the British rule in Kenya. This study examines the extent to which the British succeeded in this policy.

The study also focuses more deeply on the role which the Uhuru Government, headed by Mzee Jomo Kenyatta has played in dealing with these problems, and whether or not the government policy has, since independence, been aimed at regaining African control over the High-

lands, thus eliminating the class distinction based on land ownership. Africans' anticipation and hope for equal sharing of land had been inspired by Kenyatta's ascendancy to power after forty-five long years of extraordinary demonstration of the tenacity with which he fought for the recovery and restoration of the Highlands to its rightful African owners.

Lastly, the study intends to find out how much of the Highlands has so far been acquired by the Uhuru Government for the purpose of settling landless peasants and, also, to determine the amount of acreage that is still in the white and Asian settlers' control.

B. Nature of the Problem and Leading Ideas:

On account of her climate, Kenya under British rule was designated a place suitable for European settlement. The Africans who traditionally owned the Kenya Highlands were forced out and resettled on the most arid and semi-arid parts of the country; and some clans of the Masai, had, as a result, had to migrate into the then Tanganyika, and some people such as the Gikuyu were herded and confined within a tiny piece of land. The

whole of Kenya, in effect, was declared 'Crown Land'¹, and Africans became mere tenants at the will of the British Crown. Under the agreement of 1915 (LAND ORDINANCE OF 1915) between the British Colonial Office and the white settlers, the Highland Plateau (which is the richest land in Kenya), was to remain under the latter's possession and control for a period of not less than 999 years. Although Africans reacted against this Ordinance, the British Government continued to ignore the protests until the Hilton Young and Morris Carter Commissions were both sent to Kenya in 1928 and 1933 respectively by the British Government to inquire into Africans' grievances and protests about the land. These commissions, however, rejected the Africans' demands that the Highlands be

¹According to the Laws of Kenya, 1926, Cap. 140, Section 5, Crown Land is defined as follows: "Crown Land" shall mean all public lands in the colony which are for the time being subject to the control of His Majesty by virtue of any treaty, convention, or agreement, or by virtue of His Majesty's protectorate, and all lands which have been acquired by His Majesty for the public services or otherwise howsoever, and shall include all lands occupied by the native tribes of the Colony and all lands reserved for the use of the members of any native tribe."
Source: Marjorie Ruth Dille, British Policy in Kenya Colony, 2nd ed, (London: Frank Cass & Co. Ltd., 1966), p. 251.

restored to them, and, instead, solidified the 1915 Ordinance. It was these undertakings by the British Government that led to greater reaction and protest by the Africans of Kenya.

The resistance by the Africans ranged from general protest, demonstration, deputation both to colonial governors in Nairobi and to the British Colonial Office in London, and later to actual physical confrontation beginning in the late 1940's and continuing to the late 1950's. This period of physical confrontation is widely known as the 'MAU-MAU' ERA. This resistance rallied the Africans of Kenya together to demand the return of their 'stolen' land and political changes in the country. The Highlands of Kenya are, without doubt the cause of one of the bitterest struggles between whites and blacks in colonial Africa.

The 'Mau-Mau' uprising became a necessity since all other methods attempted in order to win back the lost land had proved fruitless. Africans' hopes and aspirations had been smothered and they, therefore, had been led to believe that there was a white man's conspiracy to take the Africans' most important treasure (LAND). The 'Mau-Mau' fighters were not, at this time,

aiming at the achievement of political independence (Uhuru) per se. Rather they sought to recapture the possession of their land as a prelude to other developments. In other words, the Africans understood it all to mean "SEEK YE FIRST THE RETURN OF THE 'LAND KINGDOM', AND OTHER THINGS SHALL BE ADDED UNTO IT". This hope later culminated in the attainment of political independence on December 12, 1963.

British occupation of the Highlands represents a familiar pattern of grabbing of African lands by foreigners. The same pattern prevailed in America, Australia and New Zealand (to name but a few), by abusing the hospitality of the Africans. The settlement of strangers in uncultivated land in Africa was common practice. Such settlement was, however, subject to indigenous law and custom, which in effect did not amount to permanent alienation of the land. But this law and custom was ignored by the foreign immigrants.

In Kenya, as elsewhere, the first Europeans were welcomed as visitors and were allowed to use some of the land. This began in the year 1845 in Kenya when the first European missionaries arrived. In 1849, two Germans (Rebmann and Krapf) also arrived. In 1887 the

British East Africa Association was formed and assumed authority over a ten-mile-wide strip along the coast of Kenya which had been under the jurisdiction of an African 'chief', frequently referred to as 'Sultan' of Zanzibar. In 1888 the 'Association' was incorporated under Royal Charter as the Imperial British East Africa Company, and assumed control of a vast area of what is now Kenya and Uganda. By 1895, the British East Africa Company yielded place to the British Government, which then assumed sovereignty over East Africa, and Kenya became known as the 'British East Africa Protectorate'.

Finding the climate ideal, the British Government encouraged immigration of their surplus population to the Highlands. This policy necessitated setting apart the entire Highlands exclusively for the white settlers and, in time, Kenya Highlands became the white man's paradise (widely known as the 'White Highlands'). Most of these settlers were farmers who were allowed large acreages for their farming projects. As a result, Africans in these areas had to be evicted and the idea of 'Native Reserves' (where displaced Africans were herded together) was introduced.

Since the white settlers needed access to the sea

for the importation of goods and exportation of their products, the need for a railroad to link the Highlands with the port of Mombasa (in Kenya) on the East African Ocean (often referred to as the 'Indian Ocean'), and Kampala in Uganda.²

Construction of this railroad began in 1895 and led to further eviction of Africans through whose territories the railroad passed. It led, moreover, to the immigration or importation of Asians (coolies and sepoys) mainly from the then India (now comprising India, Pakistan, Goa and Bangladesh). This was felt to be necessary because European settlers needed protection from would-be African attacks, and, also, because of the Asians' lure for money, experience and labor which were said to be requisite for the railroad construction, as Africans became generally unwilling to co-operate in the project. The presence of Asians led to the creation of further 'reserves' which were set apart for this racial group, and to further eviction and squeezing of Africans.

²The railroad did not, however, proceed to Kampala as originally planned, partly due to the altering of the boundary between Uganda and Kenya. Instead, the idea was temporarily suspended when the construction reached Kisumu on Lake Nyanza also called 'Lake Victoria', in 1902. See Map.

Having regard for the different racial groups (Africans, Asians and Europeans) converging in Kenya, it is but natural that British land policies sought to accommodate the conflicting racial interests. The white settlers, coming mainly from England, had the advantage of influencing British colonial policy in Kenya with the result, that in Kenya, land policies were largely influenced by the wishes of the white settlers.

As Africans became more and more adversely affected by the British land policies, which further squeezed them into non-agricultural areas, some became landless or 'squatters' on the estates now under the jurisdiction of the white settlers to whom they auctioned their labor power for a bare subsistence. Others migrated to other parts of East Africa, but mainly into urban areas in search of shelter and food. These new 'homes' did not provide them with the necessities of life, and when their patience ran out, they began to revolt. A culmination of that revolt was the 'Mau Mau' uprising of 1952, which eventually led Kenya to independence on December 12, 1963.

At independence, many of the white farmers opted for compensation; others sold their holdings to willing

purchasers, but many decided to hang on to their farms and to continue to farm. Meanwhile, the Uhuru Government entered the picture with new land policies.

But as of 1970, however, the Highlands continued to be a hot debating issue in Kenya; some felt that the white farmers were still in effective control, and that the struggle over the land has been of little benefit to the masses. The top members of the 'Kenya African National Union' (K.A.N.U.), the ruling party which now heads the Uhuru Government, having acquired some land in the Highlands, have thus influenced the Government to initiate policies directed towards developing areas outside the Highlands rather than retaking the Highlands. This is to the disappointment of the masses.

As a result, the Highlands are today as important a subject of study as they were in the colonial times. It has even been asserted that some of the former 'Mau Mau' fighters have again gone underground and are even now preparing themselves for yet another showdown with the Uhuru Government.

Other charges allege that contrary to the hopes and quest of the whole country for an equitable share of the fruits of independence, only a few Africans, mainly

cabinet ministers, some members of Parliament and top civil servants, and a few wealthy African and Asian business men have become the real beneficiaries of the said fruits of Uhuru. This allegation is supposedly supported by these people's acquisition of some big tracks of farms. It is also charged that another class of African beneficiaries consist of those who have been 'invited' by the Europeans and Asians to become members of the so-called 'Board of Directors' of certain big business enterprises in the country whose proprietors are the very European and Asian settlers whose unhealthy and uncompromising attitude and activities during colonial era are still vividly remembered. These same Europeans are even said to be actually much happier with the situation than they actually were during the colonial period, because today they are able to hide under the umbrella of their African partners (often referred to as the 'Good Boys'), and, also, of so-called 'citizenship' as 'guaranteed' in the Kenya constitution, while the majority of the African masses are still landless and unemployed.

The Uhuru Government has also been 'accused' by the poverty-stricken landless of setting excessively stringent conditions for the granting of loans for set-

tlement. Among the examples cited of these conditions are the government's requirement that applicants for land settlement loans must show that they are in possession of 10 to 50 per cent of the initial settlement cost or 'down payment' -- the high rate of interest -- between $5\frac{1}{2}$ and $7\frac{1}{2}$ per cent. -- to which such loans are subjected; and the lack of a reasonable moratorium for repayment and, so that, recipients must begin repayment six months from the date of the loan. It has also been stated that some peasant farmers are denied loans by both the Government and credit institutions, mainly because of the little piece of land they possess which cannot be accepted by the lenders as collateral or security.

Frequent arrests and prosecution of so-called 'illegal squatters', allegations of inadequate training facilities for co-operatives, and a host of other evidences of government hostility toward land reform efforts have been reported. Some people even wonder whether the famous 999 year leases to the European settlers by the British government are still in force. This suspicion is reenforced by the continued presence of a large number of Europeans who are still in control of the larger

area of the Highlands.

Up to 1960, yearly statistics showing racial breakdown (Europeans and Asians) in the occupation and control of the Highlands was a normal practice of the department of agriculture and animal husbandry of the colonial government. However, with the emergence of constitutional advance beginning with the first Lancaster Conference early 1961, such statistical information was abruptly abandoned, and, ironically, the Uhuru Government upon assuming political control in December 1963, also proceeded with this policy of not showing in her yearly statistical abstracts the nature of land ownership on racial basis. As a result, it has become difficult for a researcher to be able to explore and discover exactly how many Europeans are actually still in the Highlands, and how much of the land they occupy. This, in essence, is what this study is all about.

We intend to explore also in this study the reasons why Kenyatta's regime has not been able to tackle this issue of land redivision in a bold and rational way despite many promises and election pledges and previous writings on land; especially by Kenyatta himself. Landlessness and unemployment are still the ills of the

masses. And even in the limited amount of re-settlement that has come about through the buying-out of a mere periphery of the white farmers in the Highlands, the least consideration seems to have been to those areas which are the most fertile.

Due to the complicated nature of the land question in Kenya (over a period of seventy years), and in the light of the apparent dissatisfaction of the African masses with foreign control of their land, this study seeks to illuminate and clarify the issues so as to facilitate the eventual transfer of the land to the Africans. This study will also provide scholars with the most up-to-date information about the current control of the Highlands, and the Uhuru Government land policy.

The idea of settling white settlers in Kenya, or in Africa for that matter, during colonial time was viewed as not just to assist their mother country (Britain) economically per se, but rather to 'civilize' the "primitive" Africans who were regarded as inferior to whites. According to the pseudo-scientific theory of race and culture (racism) as exemplified by people like Freidrick List and de Gobineau, black was believed to be inferior to whites (or non-blacks). The proponents of such theory

asserted that certain cultural and behavioral traits were linked to physical attributes and were, therefore, hereditary in nature.³ The whites were thus believed to possess superior moral qualities, whereas, the non-whites were looked upon with contempt as degraded races fit only for being beasts of the burden (cooks and farm or garden "boys"). This was the underlying reason why Africans in the Highlands of Kenya -- and elsewhere -- were 'herded' out of their land and were confined into "Reserves" (or Reservations) where they were to be 'educated' or 'civilized' and taught how to improve their own agricultural potential, thus creating what some economists have termed "a dual society" in Kenya.

These scientists have also propounded three theories along which the economics of such society was to evolve:

- (a) economic theory of a pre-capitalistic society, usually called "primitive economies",

³See for example Norman Leys, A Last Chance in Kenya (London: The Hogarth Press, 1931), pp. 101-123; also by the same author, The Colour bar in East Africa (London: The Hogarth Press, 1941), pp. 7-30.

- (b) the economic theory of a developed capitalistic or socialistic society (social economic theory, and
- (c) the economic theory of the interactions of two distinct social systems within the borders of one society (dualistic economics).⁴

However, in this study, we assert that the above theoretical framework did not actually apply in the Highlands of Kenya. What emerged in the Highlands was that the imported socio-economic theory completely uprooted the then existing African system of economic development rather than letting it operate side by side with the one brought by the immigrant settlers. Marjorie Dilley explains this disintegration of the traditional African socio-economic fabric when she writes:

- (a) The Africans were not allowed to grow cash crops like coffee, tea, sisal or pyrethrum. Where production of cash crops had been part of the African tradition, e.g. production of maize or cotton, the government instituted discriminatory prices.
- (b) European demand for African labour, causing an outward flow to the exchange economy which left the burden of agriculture in the traditional economic sector on women, old men, and children.

⁴J. H. Boeke, Economics and Economic Policy of Dual Societies (New York: International Secretariat, Institute of Pacific Relations, 1953), pp. 4-5.

(c) The colonial government sacrificed the African economic sector to subsidize the settler economy.⁵

We intend to determine also whether or not the Africans of Kenya Highlands -- having lost their land and economic system which was attached to it -- actually benefited at all from the socio-economic 'dualism' (pluralism) that arose during the occupation of the Highlands by the European settlers. We intend also to establish that what emerged from this "dualism" was a class⁶ or stratification of three distinct communities within Kenya: on top of the pyramid was a European community which became the landed gentry (known as the "Haves"), next to it was an Asian community which controlled the commercial interest (they too were the "Haves"), and the third and at the bottom composed of displaced Africans who were squeezed and confined into either the poorest

⁵Marjorie Dilley, British Policy in Kenya Colony, 2nd Ed. (London: Frank Cass and Co., Ltd., 1966), p. 135.

⁶The word 'class' as used here does not carry with it the common usage of the term. And although class structure might strictly not have emerged in Kenya during colonial era, however, certain groups or individuals in the Kenya society (or societies) were either consciously or unconsciously aware as to which class or stratification they belonged. This awareness was dictated chiefly by their income, residential or neighborhood segregation, tax structure, land ownership, education, religion and race.

land or simply became destitute or landless (known as the "Have-nots"). The emergence of these distinctive classes continued to be shaped throughout colonial time.

Even during post-Uhuru period this state of affairs has been intensified rather than eradicated, while it was hoped that the Uhuru Government would set a strategy and be more concerned with saving the poor peasantry by eliminating this class barrier. By pursuing this policy, the Uhuru Government has thus reckoned Boeke's thesis which asserts that:

...it is to be hoped that with the obtaining of national sovereignty the true character of economic dualism will be acknowledged sincerely and logically, for its negation is decidedly not to the interest of the small man.

Having analysed the policies in the light of the above, the study examines whether this "interest of the small man" in Kenya has indeed been safeguarded.

The land issue in many other countries (e.g. Egypt, Mexico, Venezuela, China, Korea, India, Pakistan, Cuba, and Algeria) involved undemocratic ownership of land among the indigenous populace. In other words, it

⁷J.H. Boeke, op. cit., p. 20.

was a struggle by the indigenous landless masses and tenants (the Have-nots) against the indigenous aristocratic class (the Haves). This struggle was not influenced by racial antagonism arising from that system of land ownership -- save for Algeria. But even here, a few indigenous Algerians had joined hands with the Europeans in owning the land.

But the land issue in Kenya was unique and different. In Kenya, the Highlands were occupied exclusively by whites, and the Africans who were formerly the occupiers were driven out. Even the Asians who tried to acquire part of the Highlands during the colonial time were refused through colonial statutes.

For this reason, a focus about such countries is not included in this study. Finally, the study suggests some recommendations for future policy in this regard.

Although the overall emphasis has been on the socio-economic approach, political ramifications of the Uhuru Government's land policies have, of course, not been overlooked.

C. Previous Related Studies:

The land question has given rise to a very vast literature, dealing with various aspects of the problem. Some studies deal with the British land policies and construction of the railroad⁸; others concentrate upon the position of Indians in Kenya and their struggle to share the Highlands with European settlers,⁹ while still

⁸See for instance: (a) Great Britain Colonial Office, General Act of the Berlin Conference, London, 1886; (b) Great Britain Colonial Office, Papers Respecting Proposed Railway from Mombasa to Lake Victoria, London, 1892; (c) Great Britain Colonial Office, Report by the Mombasa-Victoria Railway Committee on the Progress of the Construction, 1898-1899; (d) Great Britain Colonial Office, Future Policy in regard to East Africa, London, Cmd. 2904, 1927, and (e) Great Britain Colonial Office, Crown Lands Ordinance, No. 12, Vog. (1915).

⁹See for instance: (a) Great Britain Colonial Office, Correspondence Regarding the Position of Indians in E.A. (Kenya & Uganda), Cmd. 1311, H.C. Sessional Papers, Vol. XXVI (1921); W. Simpson Report, Para. 11; (b) Great Britain Colonial Office, Duke of Devonshire Report Regarding the Status of Africans of Kenya, and the Future of Indians (1923); (c) George Delf, Asians in East Africa (London: Oxford Univ. Press, 1963); and (d) Dharam P. Chai, Asians in East Africa (London: Oxford Univ. Press, 1967).

others deal specifically with the forceful eviction of Africans from the Highlands and the aftermath.¹⁰ Jomo Kenyatta, in his writing, explained historically how this alienation was put into effect, but did not at that time offer immediate solution to the problem.

Other writers include Oginga Odinga who in his autobiography¹¹, simply recounts his own life, the recent history of Kenya and her successful drive for Uhuru, and also explains his political philosophy and his ultimate break with Kenyatta.

Although he mentions the land problem in Kenya (he points out that only one-eighth of the land formerly held by European settlers has been allocated for settlement, and that the families who have been resettled are

¹⁰See for instance: (a) Great Britain Colonial Office, East African Protectorate, Official Gazette, Vol. XIV (1912); (b) Great Britain Colonial Office, Dispatches from Governor to Secretary of State, "Native Disturbances in Kenya", Cmd. 1691 (1922); (c) Great Britain Colonial Office, Kenya Land Commissions (especially Morris Comm. Report 1933-34); (d) Jomo Kenyatta, Kenya, the Land of Conflict (London: Oxford Univ. Press, 1944); (e) Carl Roseberg, Jr., Mau Mau, Nationalism in Kenya; (f) W. M. Ross, Kenya From Within: A Short Political History (London: Allen and Unwin, 1927); and (g) Sir F. Lugard, The Dual Mandate in British Tropical Africa (London: Oxford University Press, 1923).

¹¹Oginga Odinga, Not Yet Uhuru (New York: Hill and Wang, 1967).

saddled with "impossible burdens" as a result of the exorbitantly high compensation paid to former European Highland "owners"), yet as a politician and then as leader of the opposition, who made "land issue" a political issue, he neglects to explore it in depth.

Jacob Oser, in his recent writing on economic development¹², uses Kenya's land issue as a case study (with a cross-disciplinary approach) to describe the role and approach of the governments of "less developed" countries in trying to solve their problems. This he describes and analyzes in terms of laissez faire versus active participation by the government vis-a-vis what has been done in the development of so-called "developed" or industrialized nations. And although he briefly discusses land tenure, he did not explore the nature and problem of the Highlands as such.

Another piece of literature by "The Working Party"¹³ aims at a summary evaluation of the organizations which claim ownership of the industry in Kenya as a whole during

¹²Jacob Oser, Promoting Economic Development with Illustrations from Kenya (Northwestern University Press, 1967).

¹³Working Party, Who Controls Industry in Kenya? (Nairobi: East African Publishing House, 1968).

the period 1965 to 1967. In its assessment, the Highlands are only briefly mentioned. And although it asks questions of how the current situation could be resolved, its assessment with tentative recommendations for the future policy are rather limited in scope.

A more recent and relevant study on this subject is one by R. S. Odingo¹⁴, who examines both the structure and nature of European farming as it were during colonial time. The author also examines the post-Uhuru changes which have affected farming in the Highlands. The major shortcoming of the book, however, emerges from the fact that the major emphasis of the work is from a geographical point of view and does not explore in depth the Uhuru Government's land policies and how these affect the landless and unemployed Africans from a socio-economic and political standpoint. All these works are very useful although they are inadequate, in the areas which they cover and will be referred to in the course of the study.

¹⁴R. S. Odingo, The Kenya Highlands: Land Use and Agricultural Development (Nairobi: East African Publishing House, 1971).

The present study differs, however, in the ground which it seeks to cover. The concentration here is on the socio-economic and political impact of British land policy in Kenya, with particular reference to Uhuru Government's policy on the Highlands. For instance, none of these works dealt extensively with the use or welfare of the displaced Africans, nor with the impact of colonial and Uhuru governments' land registration policy with respect to the education of Africans -- especially with regard to agricultural training of future farmers. While 'Mau Mau' marks the climax of the confrontation in the Highlands¹⁵, most studies of the uprising sought to deal with its mechanics and its role in Kenya's independence. In the present study, however, the 'Mau Mau' is related to its immediate success, namely, the recognition by the British Government of the need for the Africans' advancement in the field of agriculture and its culmination in the Swynnerton Land Report of 1954 to which it gave rise; and finally, Independence on December 12, 1963. This Swynnerton Report is analyzed to show how present land policies were derived

¹⁵Brockway Fenner, M.P., WHY MAU MAU? An Analysis And Remedy (London: Congress of Peoples Against Imperialism, 1954).

from it by the British prior to Kenya's independence, and how these policies have since affected African land tenure, with respect to the control and ownership of the Highlands.

The masses of Kenya had hoped that the Uhuru Government would grapple effectively with the problem of repossession of the Highlands but, as it turned out, Jomo Kenyatta and his fellow leaders bowed to the terms (over the Highlands) which the British Government dictated to them as a pre-condition for Kenya's independence. As a result the Uhuru Government was saddled with loans from the British Government which were meant to be used as compensation to the white farmers wishing to give up their holdings. Indirectly, therefore, this loan which came from British coffers was meant to be taken back to Britain by British farmers in Kenya at Uhuru Government's expense as Ann Seidman reported the feelings of Africans about this economic folly:

Some Kenyans questioned the necessity of paying those debts...roughly half the total...incurred to repay the British for purchasing land from the former expatriate owners. In their view, the British Government was, on its own initiative, paying the foreigners for land which it had seized unlawfully from the Africans in the early 20th Century; since for the most part the money was merely repatriated back to the

United Kingdom, it simply constituted a transfer of funds between British citizens. They argued that there was no reason why the Africans, upon recovering their land, should be required to repay the British.¹⁶

The failure of the Uhuru Government to deal effectively with the land situation has led to the accusation by a top Kenya politician that Kenya is in fact "NOT YET UHURU". This study therefore, seeks to examine the land policies of the Kenyatta Government.

D. Definition and Explanation of Terms:

Although many of the terms used in this study are self-explanatory, their connotation in this study calls for further definition.

Kenya Highlands: This is a broad plateau covering a little more than one third, or approximately 16,175 square miles (7.8 million acres) of Kenya's 219,789 square miles; stretching from the coastal plain to the Nyika land pass the Aberdare Range, the Mau Escarpment (over 15,000 feet) in the Great Rift Valley through Lake

¹⁶Ann Seidman, "Agricultural Revolution", East Africa Journal, Vol. 7, No. 8, August 1970, p. 25.

'Rudolf' in the northern part of Kenya, beyond Lake Baringo up to, and including Mount Elgon in the Western region of Kenya as well as the outskirts of the Gishu land in eastern Uganda.

The topography of the plateau is considerably varied ranging from forest to grassland. The area contains the country's most fertile land and the most productive soil in East Africa as a whole. The climate is cool with temperatures ranging between 63°F to 68°F. The annual rainfall is between 40 inches and approximately 100 inches with relative humidity recording between 48 and 70 per cent.

During colonial-time, these Highlands were reserved exclusively for white farmers, and were therefore called the 'White Highlands'. Africans nicknamed the Highlands "The Kingdom of Heaven". In 1960, when the country began to experience some political advance for the Africans, this plateau's name was changed by the colonial administration to 'Scheduled Areas' of Kenya. However, after independence, the name was again changed to 'Large Farm Areas'.

Native Reserves: These refer to all other land in Kenya with the exception of the Highlands, where Africans were forcibly confined to subsistence during colonial period. In 1960, however, the British Government renamed these areas "Non-scheduled Areas". But upon independence, Kenyatta Government changed the name to 'Small Farm Areas'. The boundaries marking distinction between the two categories ('Large Farm Areas' and 'Small Farm Areas') still stand.

Uhuru: This is a Swahili word meaning 'Freedom' or 'Independence'. It was mostly used as a slogan by Kenya nationalists during the struggle for independence.

Uhuru Government: The present government of Kenya headed by Jomo Kenyatta is generally referred to as 'Uhuru (independence) Government' in contrast to the colonial government which ruled Kenya until December 11, 1963.

Mau-Mau: This was a term that was coined by the European settlers in Kenya early in 1952, but alluded by them to be an African term meaning "an atavistic and secret cult" in reference to the Africans who had secretly organized themselves and formed a 'Land Freedom Army', whose purpose or objective was to stage an armed revolt

against the European farmers or settlers in the Highlands of Kenya in order to regain the Highlands.

Asian/Indian: Before 1947, the time of the partition and independence of India and Pakistan, the immigrants from these lands to Kenya were known as Indians. But after the political partition of the above mentioned countries, these immigrants preferred to be called "Asians". Therefore, the terms "Asian" or "Indian" used herein refer to all those immigrants from the present India, Pakistan, Bangladesh, Goa and other Asian countries and islands.

Social Dualism: The following definition is acceptable in this study:

the clashing of an imported social system with an indigenous social system of another style. Most frequently the imported social system is high capitalism. But it may be socialism or communism just as well, or a blending of them.¹⁷

This dualism, Boeke says, is a "form of integration (which sic) came into existence with the appearance of

¹⁷J. H. Boeke, op: cit., p. 4.

capitalism in pre-capitalistic countries...which has gained its existence in the new environment without being able to oust or to assimilate the divergent social system that has grown up there, with the result that neither of them becomes general and characteristic for that society as a whole."

Pluralism: This is also here defined as:

ethnicity far more important as an indicator of roles and behavior than an integrated situation. Nevertheless, a larger order exists -- but without a clear dominant -- subordinate...¹⁸

Thus, societies are said to be pluralistic "in so far as they are segmented into corporate groups that frequently, though not necessarily, have different cultures or sub-cultures and in so far as their social structure is compartmentalized into analogous, parallel, non-complementary but distinguishable sets of institutions".¹⁹

¹⁸John N. Paden and Edward Soja, The African Experience, Vol. II (Northwestern University Press, 1970), p. 26.

¹⁹Pierre L. Van den Berghe, Race and Racism (New York: John Wiley & Sons, Inc., 1967), p. 34.

Racism: can be defined as:

"Any set of beliefs that are organic, genetically transmitted differences (whether real or imagined) between human groups are intrinsically associated with the presence or the absence of certain socially relevant abilities or characteristics, hence that such differences are a legitimate basis of invidious distinctions between groups socially defined as races."²⁰

E. Methodology:

The essential procedure adopted for this study will be to examine and analyse (Government printed) documentary evidence dealing with land issues in Kenya.

These documents have been collected from the Government Archives in Kenya, and from Library resources. Documents from the British Colonial Office (now Commonwealth Office) have also been examined. These documents include, inter alia:

1. The following documents:

- (a) Yearly Settlement Reports covering the years from 1963 to 1970;
- (b) Statistical Abstracts;

²⁰Ibid., p. 11.

- (c) Official statements, Reports, and Documents;
- (d) Official debates and bills from the Kenya's Legislative Council, the Senate and the House of Representatives;
- (e) Uhuru Government's Sessional Papers Nos. 6 & 10;
- (f) Uhuru Government's Development Plans from 1964 to 1970;
- (g) The Swynnerton Plan of 1954;
- (h) The Lawrence Commission Report;
- (i) The Uhuru Government's Party Election Manifesto (Platform of 1963);
- (j) Political speeches by European farmers, Colonial Governors, Colonial Secretaries, government officials, business-men, Asian politicians, African politicians as well as opinions of African masses (Wananchi);
- (k) Periodicals and news-letters from the Kenya Embassy in Washington, D. C., U. S. A., and also from various libraries;
- (l) Journals, periodicals and newspapers, etc.

2. Secondary Sources (Books).

The evidence arising from the above Documents will be critically examined so as to delineate the following factors which will form the basis for any analysis that will have to be made in this study:

(a) Qualification for land grant: In this category, we shall examine the basis for qualification or eligibility for settlement in the Highland area. In other words, what are the criteria for eligibility, and who determines these criteria;

(b) Limitations to land area allocated: In this case we will examine the amount of land holdings allowable per person, or per family. In other words, we will determine whether there is a limit to land holdings. If not, why not? Or if so, what factors determine the limits.

(c) Limitation to land use: In this area we will examine whether there are any specific government stipulations on the uses of the land in the Highland area. That is, whether these land areas are for residential purposes or for agricultural and industrial development. We shall also want to ascertain what assistance, if any, does the government extend to those who need resources to utilize the land area according to stipulations. (i.e. Human resources (labor); Capital (money, machinery or equipment); Infrastructural facilities (education, market, transportation, etc.)). This study will include also the examination of Family or Kinship dislocation problem (if any) resulting from the Government's reallocation

policy.

(d) Ownership and use: The Highlands of Kenya will be examined in the light of its ownership and use. As an agrarian country, it will be imperative, therefore, to examine and analyse those that are in actual control of this LAND. In order to be able to ascertain this, we shall first examine and analyse the 'Uhuru' Government's land policy from the time of independence, and also to examine and analyse the accusation and charges registered by the critic of the Uhuru Government's land policy.

In order to bring into light the effectiveness of the Government's land policy, it will be necessary first to examine the position of land holdings in the pre-colonial and also during colonial epoch. The Highland holdings during colonial era will be compared with the holdings at independence, and, more importantly, during the post-independence period up to 1970.

Methodological Approaches: In carrying out this study, the following approaches are employed: (1) Descriptive Approach; (2) Historical Approach, and (3) Analytical Approach.

Descriptive Approach: This approach will be concerned with conditions or relationships that existed in the Kenya Highlands during the pre-colonial, colonial and post-Uhuru periods. It is also concerned with the practices that have prevailed all along; beliefs, points of view, or attitudes that have since been held ; processes that are going on, effects that are being felt or trends that are continuously developing.

This approach also involves an element of classification, interpretation and evaluation of what has actually happened to the Highlands' issue in Kenya especially during post-independence period. Thus, the description of the Highland occupation will focus not only on race, but also on education, income, and religion, as well as economics.

The documentary evidence collected will be organized and analyzed, and significant conclusions will be arrived at. These conclusions will be based on conclusions, contrasts, or relationships of what has occurred over a span of seventy years (1900-1970).

The study will be carried further to involve a systematic analysis of the present conditions of the Highlands. Thus, our summary and conclusions will be derived out of the focus of the whole process. Finally, the approach

will focus on the recommendations for the future policy in respect of the Highlands.

Historical Approach: This will apply to the scientific method of inquiry to historical problems emanating from the alienation of the Kenya Highlands by the European colonialists, and later by the Kenya elites. Thus, the study is here concerned with the historical fact -- the origin of the socio-economic and political issues that emerged as a result of this alienation of the Highlands.

The focus is not, however, on a description of the various pieces of evidence for the existence of socio-economic and political problems during pre-colonial, colonial and post-independence period per se, rather, it is the identification of those factors or variables which seem to have been associated with the existence of those socio-economic and political problems. Such variables, with respect to land ownership will include, among others: race, income, education and residential or neighborhood segregation.

Thus, the study will provide important information concerning the effects of past as well as present practices; and, finally, the study will suggest programs or recom-

mendations for future action, based upon the evaluation of these past and present experiences.

Analytical Approach: This approach will encompass the change in life of all those directly or indirectly affected as a result of transformation of the Highlands during colonial as well as post-independence period. This change will include: (1) standard of living; (2) social; (3) process of migration; (4) cultural; (5) educational; (6) urban and 'reserve' atmosphere; (7) personal-it changes, and (8) new settlement schemes.

On the basis of the changes arising from the above, the characteristics will be brought to focus quite sharply so as to provide in proper perspective, the new way of life experienced by those directly or indirectly associated with the transformation of the Kenya Highlands.

CHAPTER II

FROM "KENYA" TO "WHITE" HIGHLANDS

A. Location of the Highlands:

The land commonly known in Kenya as the Highlands is a broad plateau covering a little more than one third, or approximately 16,175 square miles (7.8 million acres) of Kenya's 224,960 square miles. It stretches from the coastal plain of Nyika, through the Aberdare Range, the Mau Escarpment (over 15,000 feet) in the Great Rift Valley; from Lake Rudolf in the north beyond Lake Baringo up to, and including Mount Elgon in the western region of Kenya as well as the out-skirts of the Gishu land in eastern Uganda.

The topography of the plateau varies considerably, ranging from forest to grassland. The area contains the country's most fertile land and the most productive soil in East Africa. The climate is cool, with average temperatures between 63°F and 68°F. The annual rainfall is between approximately 40 inches and approximately 110 inches with relative humidity recordings between 48 and 70 per cent. Sir Charles Eliot, who in 1900 succeeded Sir Arthur Harding as Commissioner of the East African

Protectorate, said of the Highlands:

...it contains large open tracts over five thousand feet high (above sea-level) with a scanty native population, a healthy, temperate climate, and a soil excellent for both pasturage and agriculture.¹

The following is how the overall land in Kenya was tabulated by 1960-61:²

	<u>Sq. Miles</u>
Land not available for agriculture or grazing, including water, 5,171 square miles; Royal Park 8,516 Square miles...	15,621
Forest Areas.....	5,952
White (European) Highlands.....	12,173
Non-white Areas (includes all unalienated land and Crown Land earmarked for native use; includes forests, government and township reserves.....	<u>191,214</u>
Total	<u>224,960</u>

Contrary to the general belief that the Highlands in Kenya originally belonged exclusively to one ethnic group -- the Gikuyu -- the area was in fact divided among several ethnic groups, with the Masai and the Nandi occupying the largest portion. The overall groups in-

¹Sir Charles Eliot, East Africa Protectorate (London: Frank Cass and Co., Ltd., 1966), p. 2.

²Economic Statistics Division: Kenya Agricultural Census, 1960-61, p. 2.

cluded, among others:³

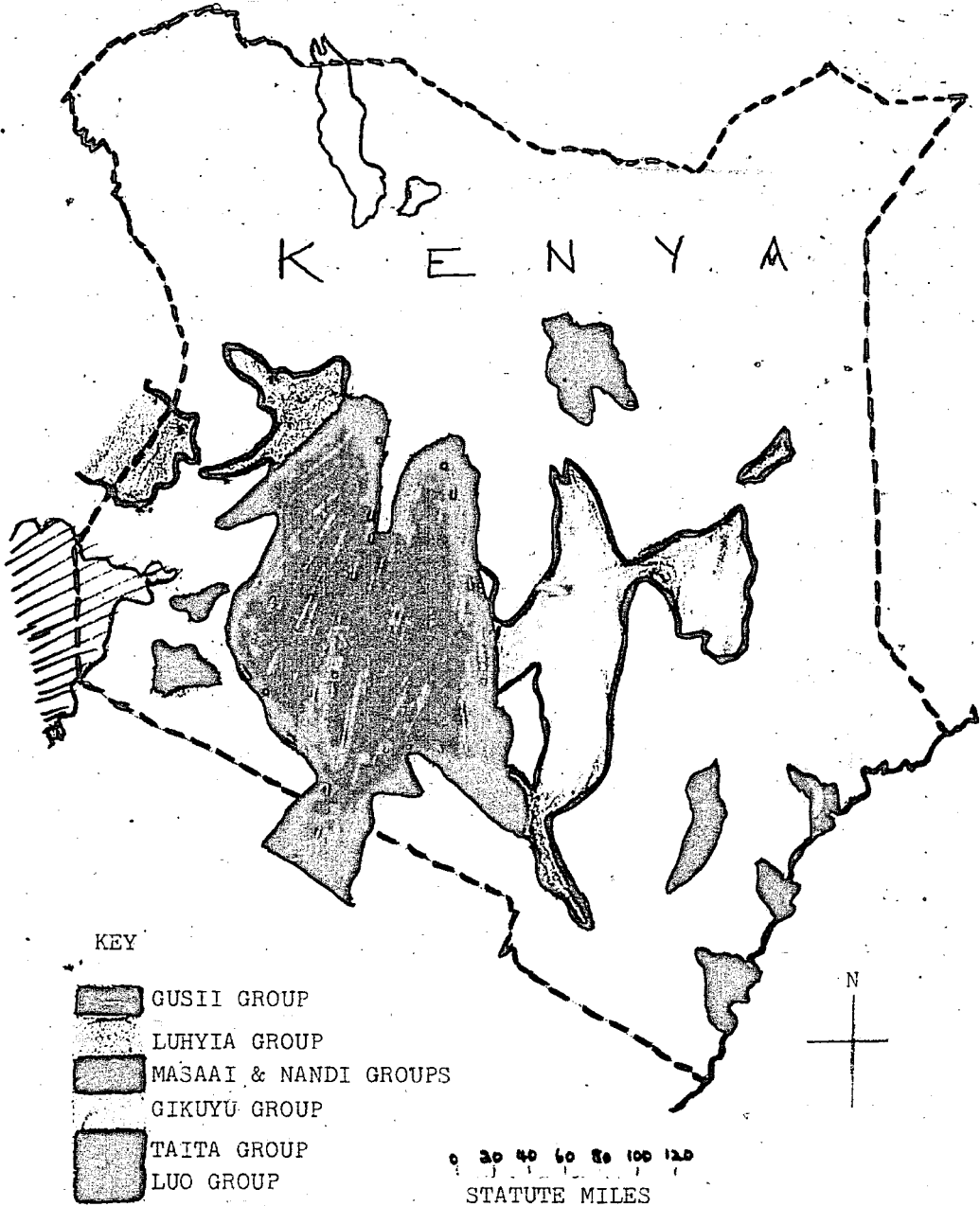
1. The Masai Group: Masaai, Samburu, Iljamusi and Iloikop;
2. The Nandi Group: Suk (Pokot), Pok, Koni, Marakwet, Ende, Geyo, Tuken, Ndorobo, Nandi, Turkana, and Kipsigis (Lumbwa);
3. The Gikuyu Group: Kikuyu, Embu, Meru and Akamba;
4. The Luhya Group: Bukusu (Kitoshi), Nyala (Kabarasi), Kakalelwa, Gishu and Teriki;
5. The Teso Group: Itesyo, Karasuk, Nyang'ori and Karamojong;
6. The Gusii Group: Kisii (Kosova), Suba and Kuria (Tende);
7. The Taita Group: Saga (Sagala), Kasigau, Dabida, and Taveta;
8. The Luo: Who occupied a small periphery of Muhoroni and Kibosi area which later became part of Asian-Sugar-empire.

While these different groups are all native to the Highlands, the Masai group dominated the territory, apparently due to their military prowess. According to Norman Leys:

Until 1903 most of what is now called Kenya highlands was occupied by a warrior tribe, the Masai. The terror of their name had protected an immense area farther inland from slave raids, as well as from more desirable intrusion...the

³See Map on page 37.

KENYA HIGHLANDS - SHOWING ORIGINAL OCCUPIERS



clans that lived on Laikipya were escorted out of it by troops with rifles....⁴

Carl G. Rosberg Jr. also observes that the Masai:

...controlled an area of about 500 miles long and 150 miles wide, stretching from Lake Rudolf in the north to the southern end of the Masai steppe deep in what is now Tanzania....The British moved European settlers into much of Kenya Masailand, consolidating the Masai themselves by 1911 into a single large Reserve south of the railway extending to the Tanzanian border.⁵

If the Masai controlled the Highlands before the coming of the Europeans, the Gikuyu Group became more associated with the area shortly before and after the European conquest of Kenya. This is evidenced by the testimony given by some Kikuyu and Masai witnesses to the Kenya Land Commission of September 1933 to the effect that some of the land occupied by the Gikuyu had indeed been 'purchased' or acquired from the Masai-Ndorobo.⁶

⁴Norman Leys, The Colour Bar in East Africa (London: The Hogarth Press, 1941), pp. 23-26.

⁵Carl G. Rosberg, Jr. & John Nottingham, "The Myth of Mau Mau", Nationalism in Kenya (New York: Frederick A. Praeger, 1966), pp. 4-5.

⁶British Colonial Office, Kenya Land Commission Report Cmd. 4556, Justice Morris Carter (Chairman), 1933.

The Gikuyu group's predominance in the Highlands is attributed mainly to the fact that they were a settled agricultural group in the central part of the Highlands; the Masai, on the other hand, were nomads, moving from place to place with their cattle in search of pastures. With the beginning of colonialism, the Gikuyu became the most politically articulate of all the ethnic groups. This articulation is attributed to several factors: The white settlers found that it was easier to work with the Gikuyu but feared to do the same with the Masai due to the 'terror of their name', and their superiority in warfare. Also, the efforts of Christian missionaries to Christianize and educate were for a long time directed primarily at the Gikuyu, since the Masai refused to accept the religious teachings of Christianity and were therefore, also denied the secular education also offered by missionary schools. It is evident that education helped the Gikuyu in understanding the ways of the white settlers -- and, with this understanding, to resist them in more subtle ways. The Gikuyu were also the main suppliers of the labor force to the white settlers and the government, and so many of them became squatters on white farms, while many others migrated into

urban areas. In the agitation over white occupation of the Highlands, the Gikuyu thus became the leading spokesmen of the Highland ethnic groups.

B. Traditional Land Tenure in the Highlands:

Among other things, the African land system, like other African institutions is fairly similar all over the continent. The basic underlying concept is that land does not belong to a single individual but to a group, which may be the family or clan. This concept of communal land is the very opposite to the European concept in which the emphasis is on individual holdings. The ethnic groups in the Highland of Kenya, of course traditionally held their lands in accordance with this African concept of community ownership.

Usually, there were no clearly defined boundaries to such lands, even though the founding fathers who first settled on the lands may have known the extent of their respective holdings. Thus, boundaries are generally matters of oral tradition; in some cases, however, they were demarcated by some landmarks such as trees or the graves of deceased members of the group. The remarkable thing about the traditional land system, however, was the fact that the people somehow knew where their boundaries lay.

In the case of the Highlands, the various ethnic groups and families knew and respected the holdings of one another. It made no difference whether one clan (or group of clans) was settled and agricultural, while another wandered about, like the Masai, in search of food for themselves or for their livestock. Each clan or family also exercised the right to settle others on the land or the right to refuse such settlement. Generally, however, where uncultivated lands were available, it was customary to allow others to settle or farm on them, but such lands were not, as a result, regarded as permanently alienated (or given away) by the grantors. The very concept of communal ownership was inconsistent with the idea of granting 'unused' lands.⁷ Describing the land system of

⁷It must be emphasized here that 'UNUSED' land did not constitute or mean unclaimed or unoccupied land. In Kenya, like any other part of Africa, all land was known to belong to a particular family or clan. Whether these people were nomadic or sedentary did not matter. Ownership of land had nothing to do with permanent settlement or use of it. In other words, permanent settlement and cultivation of the land was not the only evidence to the claim of occupancy or ownership. This is what the incoming Europeans failed to understand. To them, 'Unused' land was classified as 'No-man's land', meaning unclaimed land. As a result, they went ahead grabbing it to themselves without consulting African owners.

the Gikuyu, Jomo Kenyatta notes that:

According to the Gikuyu customary law of land tenure every family unit had a land right of one form or another -- every inch of land within (the boundary of their territory) had its owner.⁸

He continues:

In former days no man could dare go and cultivate another man's land without first obtaining the necessary permission from the rightful owner or owners.⁹

Dr. J. K. Nyerere also notes:

...To us in Africa, land was also recognized as belonging to the community. Each individual within our society had a right to the use of the land...But the African's right to land was simply the right to use it; he had no other right to it nor did it occur to him to try and claim one.¹⁰

The above description of land tenure in Africa is not intended to convey the impression that land disputes were unknown to the African in the era before the coming of the white man. Clearly, there were instances when the boundary landmarks became indistinguishable, or were

⁸Jomo Kenyatta, Facing Mount Kenya (London: Oxford University Press, 1945), p. 21.

⁹Ibid., pp. 26-27.

¹⁰Julius K. Nyerere, Ujamaa: The Basis of African Socialism (London: Oxford Univ. Press, 1968), p. 7.

otherwise destroyed, and so it became difficult to tell where the ethnic boundaries lay. In such cases, a new boundary could be fixed by arbitration; generally, however, it was settled by force of arms. This resort to arms was very much a feature of the land disputes among ethnic groups in the Highlands. The Masai were nomads, but they were also warlike, and the fact that they abandoned one area for another did not mean that they no longer laid claims to the unoccupied area. The Gikuyu, on the other hand, being settled agriculturalists, obviously had the more permanent and easily identifiable land system. Of course they laid claim to the unoccupied portions of the Highlands which the Masai were not using, but dared not assert such claims for fear of Masai attack. Although there were land disputes during the traditional era, there was no scarcity of land. Each ethnic group, clan or family was in occupation of more land than it needed -- while asserting claim to the unused portions. It was with the advent of the white man that land became a political issue, for the foreign invasion led subsequently to scarcity of land.

The question often arises as to why the colonial Powers did not bother to ascertain the nature of the land system of the colonial peoples they governed; the obvious answer seems to be that in claiming the lands of the colonial peoples, the new rulers were acting in keeping with the principle that 'might is right'. Lord Hailey among others, maintains that there was hardly one guiding principle in the matter:

In some cases they have simply availed themselves of rights based on conquest. Elsewhere they have taken advantage of treaties or agreements with Chiefs which have purported to be cessions of land but they have also in many instances taken their stand on agreements that have been interpreted by them in that sense though with little or no justification. In some instances they have availed themselves of the juristic principle that a Government is entitled to the ownership (including the right of disposal) over all 'vacant' or unoccupied lands.¹¹

By 1899, however, British colonial policy had already crystallized with regard to the nature of the rights which the Crown was to enjoy in the colonies and, while adopting the view that the Crown was sovereign over such territories, this policy held that such sovereignty

¹¹Lord Hailey, An African Survey, rev. 1956 (London: Oxford University Press, 1957), p. 686.

was subject, in the case of lands, to pre-existing rights. Thus, where land was 'unoccupied', the question of any pre-existing rights hardly arose, and the Crown could dispose of such lands. This was where ignorance of the African land system brought the colonial Power into trouble in the Highlands. What they did not realize was the fact that much of the Highlands was only apparently unoccupied; simply because ownership of such land was claimed by the Masai, who through incessant raids, warded off all intruders. The result was that the Gikuyu were pinned down to the wooded slopes of the Highlands.

Indeed, British incursion into the Highlands was made possible because of the decline in the power of the Masai:

But when the prospect of European occupation first presented itself, the Masai no longer appeared to constitute the same danger; the great cattle epidemic of 1883 and 1889 and a very severe epidemic of smallpox had reduced them to a condition which prevented them from being the obstacle they had once seemed to present.¹²

¹²L. S. B. Leakey, Mau Mau and the Kikuyu (1952), p. 9.

As early as 1904, therefore, the British were able to conclude an agreement with the Masai, under which a reserve was created for them in the Laikipia area. In 1911, when the British sought to push the Masai on to a new reserve, trouble broke out. Ol Le Njogo, a Masai who, six years earlier had been pushed to Laikipia, brought an action against the Government, challenging the bona fides of the 1911 Agreement. The East African Court of Appeal dismissed the claim for lack of jurisdiction; it said that when the Masai entered into the Agreement, they did so as sovereigns and so the Agreement was a treaty and, as such, was not subject to the jurisdiction of a municipal court.¹³

As the trouble over land continued to build up in Kenya, the British Government tried to uphold the principle that the interests of the Africans should be paramount, but this was not always so in practice. By 1915, for instance, the definition of Crown Lands in Kenya covered even 'lands reserved for the use of any Native

¹³See Ol Le Njogo v. The Attorney-General, E.A.L.R., 1913, Vol. V, p. 70.

tribe' which, strictly construed, meant that pre-existing interests in such reserves were no longer protected (as was intended under the 1899 interpretation of sovereignty). That this interpretation is correct is borne out by the case which involved two Gikuyu, one of whom claimed interests in a piece of land in the reserve; he had bought the land previously from a member of another ethnic group. The East African Court of Appeals held in that case that all private rights had disappeared following the 1915 Ordinance, and that the legal position of natives in the Reserves (white reserves, that is) was that of tenants-at-will of the Crown.¹⁴ In the language of the layman, these indigenous people had become 'squatters' on their own lands. Indeed, this was the legal status of all Africans who lived in the White Highlands. Besides, by this time, leases in the Highlands ran for 999 years; they amounted in practice to ownership in perpetuity.

This position of the law courts, early apparent in the above two cases, led the Africans to lose faith in the courts as a forum for litigating disputes over the

¹⁴See Gathomo v. Indangara, E.A.L.R., 1920, p. 129.

Highlands. Thenceforth, the struggle shifted to the political arena, for the land needs of the European settlers seem to have been the over-riding political considerations of British land policy in Kenya.

C. Early British Land Policy in Kenya:

Towards the end of the 19th century, the first British explorers reached Kenya, later followed by missionaries and, finally by settlers and administrators. In keeping with traditional African hospitality, they were warmly received as visitors, and were allowed some land for use. As Jomo Kenyatta describes this early contact:

When the European first came into the Gikuyu-land the Gikuyu looked upon them as wanderers (orori or athongo) who had deserted from their homes and were lonely and in need of friends. The Gikuyu, in their natural generosity and hospitality welcomed the wanderers and felt pity for them. As such the Europeans were allowed to pitch their tents and to have a temporary right on the land....The Europeans were treated in this way in the belief that one day they would get tired of wandering and finally return to their own country.

These early Empire builders, knowing what they were after, played on the ignorance and sincere hospitable nature of the people....

The Gikuyu gave the Europeans building rights in places like Dagoretetti, Fort Smith and others, with no idea of the motives which were behind the caravans, for they thought that it was only a matter of trading and

nothing else. Unfortunately, they did not realize that these places were used for the preliminary preparations for taking away their land from them.¹⁵

The motives of these 'wandering' apostles were diametrically opposed to the Gikuyu sense of hospitality, for the Europeans came, in fact, to stay. For instance, a year prior to the Conference of Brussels in 1889, England granted a charter to the Imperial British East Africa Company (whose activities made it, in effect, a subsidiary agent of the British Government), to open up East Africa (Kenya, Tanganyika, Uganda and Zanzibar) for subsequent European settlement. The Company continued to administer the four East African territories until 1895 when the British Government initially took over control and administration of these territories.

The territory that formed the present Kenya (the name 'Kenya' was proclaimed in 1920 honoring the name of the country's highest mountain -- Kenya) was previously known as the 'East African Protectorate'. The Protectorate also included some areas that are now part of

¹⁵Kenyatta, op. cit., pp. 44-45.

Tanzania and Uganda. The Imperial British East Africa Company towards the end of the 19th century, acquired enormous amounts of the land through onesided agreements with African chiefs who hardly understood their terms. Upon these misleading transactions was conferred the spurious legal dignity of treatment as 'agreements' or 'treaties' made between the Europeans and African 'chiefs' which in effect meant that the Africans were removed from their rightful territories and were resettled elsewhere under the 'protection, rule and government' of the Company, and of the colonial government.¹⁶

The traditional system of land ownership and government was such, however, that no individual had the right to enter into treaties of this nature. Moreover, these Europeans mistakenly took for granted that African land law resembled that of England in which the ownership of the land was vested in the Crown alone, all others hold-

¹⁶See the Masai 'Agreements' of 1904 and 1911, in Appendix. It should, however, be pointed out that so far, there was no provision for a Swahili or a Masai vernacular edition of the prepared text of 'Agreement'. Consequently, the Masai "chiefs" blindly affixed their thumb-mark or 'signature' to an 'Agreement' the exact nature of which was never made apparent to them.

ing their land as tenants of the reigning sovereign. As T.Olawale Elias points out:

The African Chief or king had no such legal right, even in theory; he enjoys only an administrative right of supervisory oversight of land for the benefit of the whole community. If he requires a piece of land, he must beg it of the individual holder of it, if the holder has no immediate use of it....Any compensation money thus paid to the chief or the king personally as absolute owner would be improper and the title obtained by the purchaser would be voidable at the best.¹⁷

More than that such 'treaties' or 'agreements' were drafted in English, a language the 'chiefs' did not know. Moreover, although it is stated in these 'agreements' that the European participants explained to the African counterparts, it is quite doubtful that they had the necessary command of the appropriate African language(s), to convey any meaningful explanation, even assuming that they had the intention of doing so.

And although the African 'chiefs' were stated to have appended their thumb-print, indeed, the necessity for 'thumb-printing' is in itself good evidence that the 'signatory' or signatories were unlikely to have understood what was written on the paper, even though it was

¹⁷T.Olawale Elias, The Nature of African Customary Law (Manchester: Manchester University Press, 1956), pp. 164-165.

generally recited in the agreement that the same was interpreted to him or them (in a language he or they understood) before he or they thumb-printed it.

At first the British Government appeared to lack a firm land policy. Later, the imperial government began to enunciate such policies for Kenya. The most notable and notorious of all these were the 'Crown Lands Ordinances' of 1902, 1915 and the 'Annexation Order' of 1920. The last two were handed down primarily as a result of the uprising by the Masai and the Gikuyu against alienation of their land, and also of agitation by Asians (whom the British brought to Kenya) for a share in the Highlands. The 'Order-in-Council' of 1901 and 1902 formed the basis of the 'Crown Lands Ordinance' of 1902. The Ordinance so enacted by the Protectorate Government nullified ownership of land by the Africans in Kenya, and gave power to the government to divide the land in the country into four categories: the Crown Land, the Highlands, the 'Native Reserves' and the Coastal Strip.

The Crown Land included, among other things, the surveyed and the unsurveyed, the agricultural, the urban areas, government reserves and forests. Under such classification, more than sixteen thousand square miles of

land were reserved exclusively for white farmers. However, the Ordinance did not indicate whether or not such turnover was to remain permanent. Because of this uncertainty, white farmers expressed discomfort and disappointment. Africans, being the overall losers, were pushed and confined into what the government proudly called 'Reserves' or 'Closed Areas'.

Consequences of the above Ordinance were severe. For instance, farmers began demanding that Africans be rounded up and escorted out of areas considered not part of the 'Reserve'. They further advocated that the government introduce 'forced labor', so that Africans could be forced to labor on white farms. In this respect, Jacob Oser observes that:

In 1908 Lord Delamere urged that natives be forced to work for others to earn their living, that wages should be lowered, and that the amounts of land held by them should be limited.... The government...did move in compliance with his and other white farmers' wishes.¹⁸

However, such efforts did not at first show much sign of success, owing to the fact that Africans were able

¹⁸Jacob Oser, Promoting Economic Development - with Illustrations from Kenya (Northwestern University - Evanston, 1967), p. 152.

by adhering to the values of their traditional way of life, to elude such measures in the same way as they had avoided forced or voluntary employment. Traditionally, Africans did not offer their labor power to anyone in exchange for money. President Mwalimu Nyerere observes that:

...the word "worker", in its specialized sense of "employee" as opposed to "employer", reflects a capitalist attitude of mind which was introduced into Africa with the coming of colonialism and is totally foreign to our thinking.... In the old days the African had never had labourers or "factory hands" to do his work for him.¹⁹

Because of this reluctance on the part of Africans, some rigorous measures were employed, however. The most effective of these were the introduction of registration of all Africans of working age, teenagers and adults alike. All unemployed Africans were required by law to report to the Labor Exchange Committee and show cause why they were unemployed.

If an unemployed person refuses to accept an offer of employment, and the officer in charge of a labour exchange is of the opinion that he is a voluntarily unemployed person, he shall

¹⁹Julius K. Nyerere, Freedom and Unity- Uhuru na Umoja (London: Oxford University Press, 1967), p. 166.

be ordered to report to a labour exchange committee. A labour exchange committee may require a person who appears before it to show cause why he should not be declared to be a "voluntarily unemployed person", that is to say, an unemployed person who is not genuinely seeking employment, he may be granted a certificate of exemption from the provisions of the Ordinance. If he fails to show cause to the satisfaction of the Committee, he may be declared to be a voluntarily unemployed person, and may be directed into employment.²⁰

It must be noted that "directed into employment" here meant, for the most part, being ordered to report to a European farm. In addition, a number of other plans designed to force Africans out of their homes to seek employment, were applied. These included, among others, various taxes, confiscation of Africans' property and educational limitations as we shall see later.

The Crown Land Ordinance of May 18, 1915 took a much wider dimension. Under this Ordinance, the colonial government granted white settlers the right to own the Highlands for a period of 999 years "at rents of one-fifth of a shilling (three United States cents) per acre to 1960. After that the rent would be 1 per cent of the

²⁰Great Britain Colonial Office, Report on the Colony and Protectorate of Kenya for the Year 1949 (London: Her Majesty's Stationery Office, 1950), p. 76.

unimproved value of the land as assessed in 1960 until 1975. From then until 2005 the rent would be 2 per cent of the unimproved value of the land as of 1975. Thereafter, "the rent would remain at 3 per cent of the unimproved value of the land assessed every 30 years."²¹ The Ordinance also declared the whole land in Kenya 'Crown Land'. Norman Leys observes:

All the land in Kenya is Crown Land, as is the case in most British African countries. No one, that is to say, can have any title in land except one granted by the Government. And in Kenya the Government has made grants of land only to Europeans, except for a small area granted to a score of Indian farmers in the early days. The areas that are still in native occupation, and cover about a quarter of the total area of the country, are called Reserves or Closed Areas. But in law they are simply Crown Lands, the boundaries of which have been notified in the official Gazette.²²

The Kenya Land Commission Report of 1933 gives a summary of the history of the Highlands as follows:

In May, 1905, a Land Commission, consisting of Mr. Justice (later Sir Robert) Hamilton, Mr. J. W. Barth (now Sir Jacob Barth), Lord Delamere, and Mr. Frank Watkins, reported in

²¹Norman Leys, The Colour Bar in East Africa (London: Hogarth Press, 1941), p. 32.

²²Ibid.

favour of the maintenance of a European Reserve, and accepted Kiu to Fort Ternan as a suitable definition "without wishing to bind themselves too closely to that area or restrict its limits."²³

In 1920, an Annexation Order was proclaimed which prevented Africans as well as Asians from owning any land in the Highlands. In 1921, a Supreme Court of Colonial Kenya declared in effect that the combined effect of the Crown Lands Ordinance of 1915, and the Annexation Order of 1920 "was to prevent Africans from owning land on the same basis as Europeans."²⁴ In 1923, the trend was confirmed by the issuance of an Order (henceforth to be known as the 'White Paper of 1923') which became the basic guarantee of European privilege in the Highlands. Shortly afterwards, a "Sub-Committee of Executive Council, sitting in 1929, proposed a boundary enclosing (in round figures) some 16,000 square miles, while the governor proposed an alternative boundary enclosing about three times that area."²⁵

²³Kenya Land Commission Report, 1933, Cmd. 4556,
p. 483.

²⁴Carl G. Rosberg, Jr., op cit., (The Myth of Mau Mau),
p. 62.

²⁵Kenya Land Commission Report, 1933, Cmd. 4556,p.
483.

Thus according to the Colonial government, all land in the country belonged to the reigning sovereign of England, and Africans no longer had the right of ownership. Accordingly, "Africans were now tenants-at-will of the Crown, tenants who could theoretically be removed en masse or individually on the order of the Government of Kenya with the permission of the Secretary of State for the Colonies. Africans thus found on 'unauthorized' land were called "squatters", and were issued with notices, usually reading "You must quit" or "Get out".

The type of one such notice reads:

In pursuance of the powers conferred upon me by Rule 8 of the Native Settlement Areas.... I hereby order you to leave the...Settlement area within fourteen days from the date of the service of this Order upon you. Failure to comply with this Order and remove all huts, movable property and livestock will render you liable to eviction by force, your hut liable to be forfeited to H.M. Government, your livestock and moveable property liable to be impounded, and any annual crops not harvested within six months of the cancellation of your permit liable to be destroyed.²⁶

²⁶"The Kenya Terror", KENYA REPORT, second edition (London: The Kenya Committee, 1954), p. 9.

By 1948, the distribution of land in Kenya was as follows:

TABLE 1

KENYA LAND DISTRIBUTION - 1946 TO 1948 INCLUSIVE:		
	% of Total	Sq. Miles
1. TOTAL AREA	100.00	224,960
2. Total African Land Units	23.13	52,040
Total Non-Native Area	76.87	172,920
	Sq. Miles	Sq. miles
	Non-Native Area	Native Area
a. Provinces		
Nyanza	3,043	8,197
Rift Valley	9,872	5,919
Central	18,419	15,497
Coast	21,539	5,112
Turkana	8,848	1,791
Masai	739	14,493
Northern Frontier	94,601	1,031
Ex. from Uganda	15,859	---
	<u>172,920</u>	<u>52,040</u>
b. Land above 5,000 Ft. Contour:		Total
Highlands		15,000
Native Lands		19,340
c. Total Highlands:		
Open Water	129	
Forest	3,975	
Agricultural Reserve	25	
Veterinary Reserve	57	
Government Reserve	51	
Alienated	9,621	
Crown Land Surveyed	1,046	
Crown Land Unsurveyed	1,264	
Nat. Lands within Highlands	65	
	<u>16,233</u>	

Source: The Kenya Plan (Nairobi: The East African Standard, Ltd., 1949), p. 41.

D. An Attempt to Turn the Highlands into a
Sanctuary to the Holyland':

During the early heyday of European settlement in the Kenya Highlands, the British Foreign Office proposed to hand over 3,200,550 acres of the Highlands to the Jewish people living in England and some other countries of Western and Eastern Europe, in order to break their continued economic monopoly, and, also to relieve what the Foreign Office termed "the squalor of ghetto life and the dangers of periodic persecution".²⁷

When in 1902 Joseph Chamberlain, Secretary of State for the Colonies passed through East Africa en route to South Africa, he was impressed by the fertility of the land. Chamberlain "had always been sympathetic towards the Zionist movement"²⁸, and, therefore, made a proposal that the land be granted to the members of that movement.

Huxley puts it thus:

As he passed through the Protectorate, the Colonial Secretary was struck with the fertility of the country, the emptiness of the land and the healthiness of the climate. There, it occurred to him, was an ideal location for Jewish refugees from Russian slums. On his return a definite offer was made, at his instigation, to the Zionist

²⁷Elsbeth Huxley, White Man's Country: Lord Delamere and Making of Kenya, Vol. 1 (London: Lowe and Brydone (Printers) Ltd., 1935), p. 117.

²⁸Ibid.

leader by the British Government. It comprised the free grant of a large area of land -- about 5,000 square miles (3,200,000 acres), probably on the Mau (hills)....²⁹

In response to this offer, the Zionist movement, Leopold Greenberg (the London Zionist's chief representative) submitted a memorandum to Chamberlain, in which he set forth the terms under which the movement would accept the offer. These terms included, among other things:

- (a) that a Jewish Colonial Trust be established to manage Jewish settlement in the Highlands;
- (b) that the British Government grant the Trust a capital of L 2,000,000 with which to aid Jewish immigrants in the Highlands;
- (c) that the Trust have complete control over the selection, sale and leasing of the Highlands;
- (d) that Jewish immigrants have a legislature with complete internal government headed by a Jewish Governor. The legislature would have power to control immigration, appoint Jewish judges, levy taxes, and to restore the Jewish religion and social customs.³⁰

²⁹Ibid., p. 118.

³⁰F.O.C.P. 8192, No. 19, Greenberg to Chamberlain, dated July 13, 1903, Ref: "Terms and conditions of Concessions to be granted to Jewish Colonial Trust".

Chamberlain and the Foreign Office rejected Greenberg's demands. He suggested that Greenberg accept "a municipal government" with an assurance that Jewish religion and customs would be safeguarded".³¹ However, three days later, Lord Lansdowne, then Foreign Secretary, wrote to Greenberg suggesting that the latter appoint an investigating commission to visit the East African Protectorate (as Kenya was known then). Lansdowne indicated in his letter that "if the commission found the land suitable for settlement, the Foreign Office would entertain favourably the proposals for a Jewish settlement".³²

When the news of the Foreign Office's intentions reached the East African Protectorate, representatives of European settlers headed by Lord Delamere; and Christian missionaries headed by W. G. Peel, the Bishop of Mombasa; and Dr. D. C. R. Scott, of the Church of Scotland Mission, held a joint meeting in Nairobi, during which they formed an "United Anti-Zionist Immigration Committee" under the chairmanship of Lord Delamere, against what they termed

³¹F.O. 2/807, dated August 11, 1903.

³²Huxley, op. cit., p. 119.

"the threatened Jewish invasion" and "shouted: Down with the Jews."³³ On August 28, 1903, Lord Delamere cabled to The Times:

Feeling here very strong against introduction of alien Jews. Railway frontage fit for British colonisation 260 miles. Foreign Office proposes give 200 miles best to undesirable aliens....

Is British taxpayer, proprietor of East Africa, content that beautiful and valuable country be handed over to aliens? Have we no colonists of our own race? Country being settled slowly surely by desirable British colonial settlers. English here appeal public opinion....³⁴

He further issued a pamphlet in which he defended his argument. In this he elaborated:

No prejudice exists in East Africa against Jews as such. It is the fact that the intended immigrants are paupers, and, above all speak a foreign language that is chiefly objected to, and that they are not going of their own accord but are being introduced by the Foreign Office.³⁵

Lord Delamere continued:

Sir Charles Eliot, in a public speech, made a distinct assurance that the country from Kiu to Fort Ternan stations on the Uganda railway

³³George Padmore, Pan-Africanism or Communism (New York: Doubleday and Company, Inc., 1972), p. 212.

³⁴Huxley, op. cit., p. 120.

³⁵Ibid.

should be reserved for settlers of our own race.³⁶

Lord Delamere then quickly sought Commissioner Charles Eliot's views on the matter. The Commissioner replied:

With regard to the Jews, not only have I no wish to hinder you from expressing your opinions, but I will, if you wish, forward a statement of them to the F. O., if you would like to put them in a suitable form. I am not anti-Semitic myself and do not share your objections to Indians and other non-English settlers; but I confess that as far as I understand the present proposal I view it with very mixed feelings.³⁷

Commissioner Eliot continued:

But you must understand the importance of the financial question. This Protectorate alone costs the Government at home L 256,000 per annum. If the settlers here were British taxpayers they would be the first to protest against what they would call a monstrous waste of money. As long as we go on in this way we are always exposed to the risk that a radical Government may cut out vote in aid, and what should we do then? We should simply collapse, and it is better to be supported by Jews than to do that.

Meanwhile, the best way of practically defeating the Jewish scheme is to increase the number of British immigrants. It is almost absurd for the present settlers to talk about their rights. They are so few, and as tax payers so unimportant, that they

³⁶Ibid.

³⁷Ibid., p. 122.

can hardly logically claim to have a voice in deciding the destinies of the country against the Government which expends hundreds of thousands on it every year. But if you will induce a larger number of satisfactory settlers to come -- as you have told me you hope to do some day -- the case would be much stronger.

I am still without any details as to the Jewish scheme, except the private information of which I told you.³⁸

Yours sincerely,

Signed, C. Eliot

Citing the history of the Jews, Sir Charles Eliot endeavored to "prove that Jews seldom made good farmers".³⁹

Sir Charles writes:

I have never myself seen a case where Jews are really agriculturists. But admitting that they can become so, their agricultural capacities are certainly not highly developed, and considering how many ordinary conveniences are wanting in East Africa, and how much immigrants are thrown on their own resources, it would seem to be a country rather for those who have hereditary and personal experience of agriculture than for those who are new to the pursuit.⁴⁰

³⁸Ibid.

³⁹Ibid., p. 123.

⁴⁰Sir Charles Eliot, East African Protectorate, 1st ed., 3rd Impression (London: Frank Cass and Co., Ltd., 1966), p. 178.

He goes on:

Again, though wealthy Jews are very wealthy, poor Jews are very poor, and a visit to the Jewish parts of Russia and Poland produces a most disagreeable impression of dirt and squalor -- whole towns look as if they had been bought up second hand and never been properly repaired. Is it in these surroundings that promising settlers will be obtained?

Lastly, the establishment of a Jewish settlement may drive away other colonists, I anticipate little trouble in the way of rioting but there can be no doubt that the scheme is intensely unpopular among all classes of European settlers, and it would probably produce a bad impression in such places as South Africa and New Zealand, from where we are now receiving numerous applications....⁴¹

Meanwhile, Dr. Herzl convened the Zionist Congress at Basle in August, 1903, during which heated debate arose, and the Russian and Polish delegates were overwhelmed. Some delegates argued that East Africa "was a long way round to go by East";⁴² while others averred that "this territory would be the centre of Jewish political force from which surplus population and energy would flow."⁴³ When the voting came, "the proposal was accepted by 595

⁴¹Huxley, loc. cit.

⁴²Ibid., p. 118.

⁴³Ibid., p. 119.

to 177 and the minority, mostly Russians, left the Congress in disgust."⁴⁴ The overwhelming vote authorized a commission of the Zionist movement to visit the Kenya Highlands. The commission arrived in Kenya in November 1904 only to find that Sir Charles Eliot had resigned. Sir Stewart who had succeeded him as Commissioner appointed a group of European settlers to accompany the Jewish delegates and to show them the Uasin Gishu Plateau which is part of the Highlands.

As expected, the Zionists were told of the lions at Tsavo⁴⁵, naturally with much exaggeration to suit their purpose. The party also met angry Masai people who were roaring and brandishing their spears in opposition to the continued influx of European settlers on their soil. As expected, the commission returned to England thoroughly convinced that any attempt by them to settle in the Highlands of Kenya would be resisted by the Masai and other

⁴⁴Ibid., p. 118.

⁴⁵At Tsavo a few vicious lions had earlier terrorized Indian laborers working on the railroad construction. For details of this episode see J. H. Patterson, The Man-eaters of Tsavo and other East African Adventures (London: Macmillan and Co. Ltd., 1912); and J. S. Mangat, A History of the Asians in East Africa 1886-1945 (London: Oxford University Press, 1969).

Africans, and, of course, by European settlers, not to mention the lions. Thus convinced, the commission submitted its recommendation accordingly to the Steering Committee of the Zionist Movement, which immediately convened a meeting of the Congress. Elspeth Huxley records:

In August 1905 the East African Commission reported to the Zionist Congress at Basle and the offer of the British Government was, with sincere thanks, rejected.⁴⁶

And the Congress also passed a motion demanding the "establishment of an autonomous Jewish state in Palestine".⁴⁷ John Gunther offers a more striking summary to the affair when he says that "if Dr. Weizmann and his associates had accepted this remarkable proposal the White Highlands would be today's Israel".⁴⁸

Summary:

This chapter first dealt with the location, topography and size of the Highlands. The study noted that the Highlands were originally occupied by as many as eight

⁴⁶Huxley, op. cit., p. 125.

⁴⁷C. O. 533/8, F.O. to C.O. dated August 14, 1905.

⁴⁸John Gunther, Inside Africa (New York: Harper & Brothers, 1953), p. 318.

ethnic groups (the Masai having occupied the largest portion of the land), and not exclusively to the Gikuyu as is generally believed. The study noted that Gikuyu's predominance in the Highlands later, was due to the fact that they were a settled agricultural group, and also had close contact with the Europeans through education much earlier than the other ethnic groups. The Masai were nomads, and, also, rejected whiteman's teachings, and his way of life.

The chapter then dealt with communal land ownership as having been the basis in the traditional land tenure in the Highlands. With the advent of colonialism, the Highlands were made exclusively for European occupation, and the original indigenous occupiers were driven out. The 1915 Ordinance guaranteed the European occupation of the Highlands for a period of 999 years. The rest of Kenya was declared 'Crown Land', meaning in effect that the Africans became mere tenants at the will of the Crown. The Africans were confined into what was called "Native Reserves", which accounted for 52,040 square miles, against the Crown's 172,920 square miles.

Between 1902 and 1905, about 5,000 square miles (or 3,200,000 acres) were offered by the British Government to

the Zionist Organization to be a new permanent Jewish country. This offer was vigorously repudiated by non-Jewish whites both in Kenya and in England. After much rumbling among the members of the Zionist Movement, this offer was finally turned down in 1905 by a majority of the Organization during a conference at Basle.

CHAPTER III

SOCIO-ECONOMIC IMPACT OF THE EUROPEAN SETTLEMENT ON KENYA AFRICANS

A. Settlement of Europeans:

The British, upon taking over administration of the East African Protectorate in 1895 from the Imperial British East Africa Company, began a process of land settlement, actively encouraging fellow Englishmen to come to Kenya as 'gentlemen farmers'.

In 1901, there were less than a dozen European settlers in Kenya. During the next half-century the number increased to well over 29,600. European settlement and the takeover of African Highlands grew rapidly. Between May 1903 and December 1904, three hundred and forty-two Europeans were given 222,000 acres of the Kenya Highlands; the European immigrants increased to 886 in 1905, and 3,175 in 1911;¹ to 9,661 in 1921², and to 16,812 in 1931.³

¹East African Protectorate, Report on the non-native census, 1911, p. 1.

²Kenya Colony and Protectorate, Report on the non-native census, 1921, p. 2.

³Kenya Colony and Protectorate, Report on the non-native census, 1931, p. 1.

However, it is reported that there was a significant drop during the First and Second European Wars⁴, but skyrocketed again immediately following the end of both wars.

The alienation of land by whites took place mainly in the Highlands of Kenya and the coastal strip, covering some ten miles radius; here because of the height (the climate is temperate), the soil is fertile, and there are plentiful streams. As a result, it was possible to obtain two harvests of crops such as soya beans, maize, millet annually.

The Highlands of Kenya acquired a reputation of being a 'white man's paradise'. Some English people were glad to escape the rigors of their own climate, and economic upheavals, by coming there as settlers. During half-a-century of European settlement, an area of approximately 7,500,000 acres of the best land in Kenya was marked

⁴These two Wars are usually called "World Wars". It is the writer's conception that it was because of some European greed (mainly the so-called 'Western World') and their refusal to have other nations or countries strengthen their economies by acquiring an outside market (e.g. Germany, Japan, France and the USSR). And although some Africans and Asians were drafted into such conflict, they did so simply because of the colonial situation at the time. Moreover, these European countries directly involved in these wars tended to think that they alone constituted the world, while the rest were but satellites.

out exclusively for European occupation. And because of this exclusion, the settlers proudly named it the 'WHITE HIGHLANDS'.

As we shall see later, the alienated land was 'given' to the settlers on long leases of up to 999 years, the 'Crown' in England retaining the freehold ownership, to the exclusion of Africans, who were the original owners. The land was leased to the settlers for as little as two and a half pence per acre. Norman Leys observes:

The Crown Lands Ordinance of 1915 provides for leases of 999 years at rents of two pence half penny an acre.

There are about 2,000 square miles of freeholds. Little need be said about the two or three million acres granted in large freehold estates before 1912 to about two hundred individuals, more than half of whom are no longer in Kenya.⁵

No compensation was paid to the dispossessed Africans for crops and buildings, etc.

The settlers were a mixture. Some were from the British working class, while others were typical of the landed gentry and aristocratic families of Britain. Some were Boers of Holland who had settled in South Africa.

⁵Norman Leys, KENYA (London: Leonard & Virginia Woolf: The Hogarth Press, 1925), pp. 144-146.

The working class as well as some kith and kin of the "upper class" type of immigrants were fleeing Britain because of socio-political and economic conditions at home; many of them having been for a long time, on the unemployment roster; others were hard-core criminals, spivs and thugs. As a result, their kind had earlier been banished to Australia, southern parts of United States of America, Canada and New Zealand; so some of these had to be sent to Kenya too.

Negley Farson, drew attention to the extraordinary number of Kenya settlers whose names might be found in Burke's Peerage, the reference book of the British 'upper class'. According to him, Kenya had the greatest proportion of British inhabitants who were ex-soldiers, generals, colonels and majors: He continued:

A large portion of Kenya's leading settlers come from a social stratum which is now awed by British politicians; they are aristocrats themselves. And a vast percentage of the remainder, the active service generals, colonels, etc. have been realists, men of action, all their lives, and, in final analysis they can be dangerous men, if put to it. The Elizabethan breed.⁶

⁶Negley Farson, Behind God's Back (New York: Harcourt, Brace & Co., 1941), p. 283.

Sometimes the settlers farmed as individuals , sometimes as syndicates. Under the Order in-Council of 1901 and the Crown Lands Ordinance of 1902, nearly 6,500 square miles of the Highlands passed from African (to European) ownership in a period of thirteen years.

"Other aristocrats like Lord Francis Scott, uncle of the Duchess of Gloucester -- and the Earl of Plymouth, secured about 350,000 acres between them. The son of the Duke of Abercorn acquired an estate of 30,000 acres...."⁷

Among the principal beneficiaries were:⁸

East African Syndicate.....	320,000 acres
Uplands of East Africa Syndicate	350,000 "
Grogan Forest Concessions.....	200,000 "
Lord Delamere.....	100,000 "

Lord Delamere, the chief spokesman of the "white settlers" later acquired more land in the Highlands between the Aberdare and Lake Naivasha totaling not less than 125 square miles. Apologists for colonialism and

⁷George Padmore, op. cit., pp. 212-213.

⁸Ann Seidman, "Key Variables to incorporate in a Model for Development", The African Case. Paper presented at the Royal Sociological Society Conference, Denver, Colorado, 1971, p. 2.

imperialism have consistently claimed that large areas of land were 'unoccupied' or 'unclaimed' when the first settlers arrived. The argument sounds like vultures claiming that the wounded beast they ran into was nobody's, since, at the time of their arrival at the scene of their prey, there was no killer around. But these same apologists fail to recognize their ignorance of the African concept of land occupation and ownership. Hence, Captain Lugard once said:

Here am I to take over a valuable tract of land, and to gain possession of the site, on which I wish to build the fort, together with adjoining lands, including the regular camping ground, and the reply is, there is a honey-pot on the site; the fact is that waste land in Africa is literally no man's land, and a neighbouring small village headman has no more claim over it than you or I.⁹

Contrary to Lugard's view, T. O. Elias maintained that:

As a rule, customary tenure knows nothing in the nature of a prescriptive claim to land. The theory is that no land is without an owner. Thus the 'waste' land belongs to the community.¹⁰

The settlers did not however, restrict themselves to the alleged 'unoccupied' areas. They took whatever suited

⁹Quoted in T. Olawale Elias, pp. 165-166.

¹⁰Ibid., p. 166.

their purpose. Even after some land had been allocated as 'African reserve', the same settlers nibbled deeper and deeper into it whenever they considered that the land in sight was suitable for their farming.

To some extent the European 'opening-up' of Kenya was a by-product of the building of the railroad, at the beginning of the 20th century, from Mombasa to Kisumu on Lake Nyanza (also known as Lake Victoria). Much of the early land settlement in Kenya followed the railroad line, being a device to protect the railroad from attacks or sabotage by the Africans who were then upset over the invasion of their ancestral land. Land in Kenya, and all over Africa for that matter -- is life; for the people of Africa, whether they be stockmen or cultivators, land is the basis of society, of social organization. As far as Africans were concerned, progress and development began with security of tenure.

The total area of Kenya is 224,960 square miles. Of this, however, 151,000 square miles is semi-desert and about 5,000 square miles is lakes. Very small populations lived in the arid regions; most Africans lived in an area of about 52,000 square miles (what the colonial authorities called the 'native reserves'). The 1948

census produced the following figures:¹¹

Africans.....	5,251,120
Europeans.....	29,660
Indians (Asians).....	90,528
Goans.....	7,159
Arabs.....	24,174
Others.....	3,325

This means that, under colonialism, 52,000 square miles of land was reserved for the bulk of more than five-and-a-quarter million Africans while 13,000 square miles was reserved for fewer than 30,000 Europeans! Moreover, this 13,000 square miles was the pick of the most fertile, best-watered land. Furthermore, many of the European population were engaged, not in farming, but in business and the professions in Nairobi, Nakuru, Eldoret, Kisumu, Mombasa and other urban areas. Indeed some were absentee farmers in the sense that they lived outside Kenya. It is, therefore, true that the number of Europeans actually living on farms was much less than 30,000. This handful

¹¹Kenya Colony and Protectorate: 1948 Census(Nairobi: Government Printer, 1948).

of people occupied approximately forty per cent of the country's best agricultural land.

Over-crowding and land hunger in the 'African reserves' was so intense that there was general starvation. Mr. Norman Humphreys, who was Senior Agricultural Officer in Kenya, made a survey in 1945 of the situation in South Nyeri in the Kikuyu reserve. He found that not only was there overcrowding, but that the position was steadily deteriorating. As he mentioned in his report:¹²

In 1936, the density of people per square mile had been 463. By 1944 it had risen to 542 and at that rate of advance it was anticipated that by 1955 the density would reach 674.

Mr. Humphrey found too that "the average family of between five and six persons had an average of 6.71 acres, out of which to get their living."¹³ "On the assumption then", the Senior Agricultural Officer concluded that "the area available per family for crops and grass leys in 1944 is no more than 3.35 acres and in 1955 would be reduced

¹²Colonry and Protectorate of Kenya, Report by Norman Humphreys, Senior Agricultural Officer on Population in Native Reserves, 1945, p. 12.

¹³Ibid.

still further to 2.61 acres".¹⁴ These are, to say the least, mere sample figures. In some areas the overcrowding was even worse; for, as Mr. Humphrey showed, "an average family could not have its minimum needs satisfied on less than 11½ acres."¹⁵

Many of these people, struggling hopelessly against starvation, were able to see the land, which once belonged to their family, under European occupation. Nor was their title to the land something belonging to the misty past; the actual takeover was of living memory.

What was worse, and what made the resentments more intense, was that a large part of the Highland reserved exclusively for European occupation was not even used. The colonial government set aside land for European settlement, but, unable to attract enough immigrant settlers, kept the land barren.¹⁶

On 16th July 1952, the then Colonial Secretary Mr. Oliver Lyttelton was questioned in the British House of Commons about the use to which land in the 'White Highlands' was being put. Mr. Lyttelton answered that:

¹⁴Ibid.

¹⁵Ibid.

¹⁶ British Parliamentary Debate, 16th July, 1952.

the total amount of land reserved for Europeans was 7,372,880 acres of which 368,644 acres was uncultivable. The area unallocated was 207,987 acres of which 140,826 acres was suitable for grazing and 7,497 acres was suitable for cultivation.

Of the land supposed to be in use Mr. Lyttelton gave the following figure: "under crops, 1,002,871 acres; grazing 6,001,365 acres".¹⁷ So, in fact, less than one-seventh of the land reserved for European use was actually producing crops! That this vast area of "grazing land" was inadequately developed is shown by the official production figures for 1951: The 6,001,365 acres of the 'White Highland' alleged to have been under grazing "produced only 12.9 per cent of the total value of production."¹⁸ And this figure included dairy production as well as meat. Looked at another way, the figures show that one-seventh of the European-reserved land was producing 87.1 per cent of the total production.

The lack of development in the other six-sevenths showed a greed that was socially criminal, in view of the land hunger and starvation conditions in the nearby

¹⁷Ibid.

¹⁸East African Statistical Department, Kenya Statistical Abstract, 1951, p. 4.

African reserves. Karari Njama -- who, during the 'Mau Mau' upsurge was known as 'General D. Karari M. Njama'

notes:

That a good deal more land was alienated than could be put to effective use by the settlers is explained in large measure by the white colonists' need for African labor. Lord Delamere, a leading settler spokesman, made this clear in his appeal to the Labour Commission in 1912. In order to force Africans into the centers of European enterprise, this renowned settler leader urged that the land reserved for 'natives' be cut so as to prevent them from having enough for a self-supporting level of production. How, he pleaded, could Africans be obliged to labor for Europeans if they had enough land to successfully breed livestock and cultivate crops for sale. This plea did not go unheeded. By 1934 some 6,543,360 acres of land had been alienated for occupation by 2,027 settlers; an average of 2,534 acres per occupant, of which only 274 acres were actually under cultivation. As late as 1940 there remained over one million acres within the White Highlands which lay unused for either crops or pasture. By 1952, some 9,000 settlers held exclusive rights to 16,700 square miles of Forest Reserve, while several million Africans sought to eke out a livelihood within their increasingly congested reserves.¹⁹

In order to win immediate support from the Colonial Government for African labor, European farmers resorted to many alternatives -- all of which were no better than

¹⁹Donald L. Barnett and Karari Njama, Mau Mau From Within: An Analysis of Kenya's Peasant Revolt (New York: Monthly Review Press, 1966), p. 32.

the Nazi treatment of Jews -- except that whereas the Jews were herded into gas chambers en masse, Africans were collectively 'slaughtered' slowly through deprivation of their land, taxation, low wages and forced labor.

B. Demand for African Labor and Taxation:

When European settlement began to take shape in the Highlands, Lord Delamere and his European supporters staged a vigorous campaign for free labor from Africans. And because the latter had previously refused to take part in the construction of the railroad from Mombasa to Kisumu (on Lake Nyanza), the settlers therefore felt that it would be equally difficult to expect Africans to leave their homes willingly in search of agricultural employment on the land alienated by Europeans. As a result, the European settlers resolved to plan a strategy.

In February 1905, Ainsworth suggested that "there was an ample supply in the country which only required proper legislation and organization to bring it out."²⁰ Almost immediately following this report, the Colonists

²⁰Marjorie Ruth Dilley, British Policy in Kenya Colony, 2nd Edition (London: Frank Cass and Co., Ltd., 1966), p. 215.

Association (a settler organization) headed by Lord Delamere, approached the colonial government with the following resolutions and demands: (a) land in the African lands be severely curtailed; (b) introduction and intensification of taxation among Africans; (c) labor on contract with heavy penalties, for infringement, the success of this was ensured by the introduction of fingerprinting or registration of every African male suspected to be sixteen years old and above. (d) to keep a record of chiefs and headmen who were helpful and those who were not, to be reported to the Governor for immediate reprimand and dismissal, (e) settlers and their agents to have the right to enter freely into the 'Native Reserve' to get in touch with chiefs and headmen for the purpose of recruiting 'native' labor, (f) full Government support for the policy of driving Africans out from their homes to work on European farms.

The Government accepted all these demands -- although even at this time, Africans continued to refuse to cooperate, especially with regard to labor. To the African, working for someone-else for money was something completely foreign, moreover, it meant suffering the indignity -- the denial of manhood -- especially working as a serf on another

man's stolen land. President Nyerere on this point noted:

...the word "worker", in its specialized sense of "employee" as opposed to "employer", reflects a capitalist attitude of mind which was introduced into Africa with the coming of colonialism and is totally foreign to our thinking.... In the old days the African had never had labourers or "factory hands" to do his work for him.²¹

Campaign to drive Africans into European plantations intensified to a point that The East African Standard -- a settler newspaper had this to say:

We consider that taxation is the only possible method of compelling the native to leave his reserve for the purpose of seeking work. Only in this way can the cost of living be increased for the natives....It is on this that the supply of labour; and a rise in the rate of wages would enable the hut or poll tax of a family, sub-tribe or tribe to be earned by fewer external workers.²²

Although the newspaper mentioned only the cost of living, it did not, however, mention that taxation was introduced also so as to meet the cost of the railroad which had been constructed mainly for the transportation of settlers' goods. And even though direct slavery was not used by the railroad per se, nevertheless, Africans who were

²¹J. K. Nyerere, Freedom and Unity - Uhuru na Umoja (London: Oxford University Press, 1967), p. 166.

²²East African Standard, May 18, 1913.

forced to auction their labor to European farmers, travelled to and from European farms by way of this railroad.

Taxes were classified as 'Poll tax' (or 'Graduated Tax'), and 'Hut Tax'. Poll tax was that tax paid by every African male who was presumed to have attained the age of eighteen or over. Lots of discrepancies obviously occurred since, as it were, people did not possess birth certificates. A 'Hut tax', on the other hand, was that levied upon any African male who had a house (or as the colonialists called it a 'hut', or 'a place to sleep in'). It also meant that any polygamist male (with more than one wife) was obliged to pay taxes equal to the number of wives and unmarried sons aged eighteen or over, still under the care of their father. Norman Leys describes the nature of these 'hut taxes' thus:

Thus a number of taxes paid by an individual depended squarely on the number of wives and sons who were at 18 or over in that particular man's home. For example, if A had four wives and ten sons, out of whom seven had attained the age of 18 (daughters were not taxed) and each had his own 'hut' primarily for sleeping (According to African social custom teenagers and adults do not sleep in the same house with parents) the father paid a total of 5 taxes -- one poll tax plus 4 hut taxes. The seven teenage sons also paid one poll tax each -- as long as they remained

unmarried. We therefore conclude by saying that total taxes collected from this Mr. A's homestead would be 12."²³

He concludes:

Here we now find the many reasons why Africans left their homes and sought employment on European farms and/or Asian shop.²⁴

While Africans were being compelled to pay taxes, Europeans remained exempted until 1913 when the Imperial grant-in-aid was stopped and the Colony became self-supporting. It was then that "the non-native poll tax was introduced, and for the first time Europeans experienced direct taxation."²⁵

Resistance to taxes was staged by people of all walks of life. However, the reaction by the Colonial Government to the defiants differed according to race or 'color'. Norman Leys again observes:

It was seen to fall with obvious injustice on those who did not, or could not, conceal their incomes, and was repealed. The Europeans who successfully resisted the income tax are the most influential people in the colony. Africans who attempt to evade or who refuse to pay the hut-tax are punished, in accordance with

²³Norman Leys, KENYA (London: The Hogarth Press, 1925), pp. 336-337.

²⁴Ibid., p. 337.

²⁵Marjorie Ruth Dilley, op. cit., p. 45.

the law, by having their homes burnt down.²⁶

The deliberate intention of the settlers to reduce the Africans to poverty and force them to provide cheap or free-labor was re-emphasized in 1918 following the Crown Land Ordinance of 1915 (which granted settlers the Highlands for 999 years). In that year (1918) the Chief Native Commissioner, John Ainsworth, introduced a Bill into the Legislative Council designed to encourage more modern farming methods into the 'Native Reserves'. As expected, there was an outcry of protest from the settlers that such a policy would prevent them from obtaining adequate supplies of labor, and also that such a policy would create agricultural competition thus threatening European monopoly. In the face of this opposition, the bill was withdrawn.

In 1919, the Government established a 'Native Registration Ordinance' which compelled all Africans over the age of sixteen to register by way of finger-print impressions which were immediately forwarded to the Central Finger-print Bureau in Nairobi. By this method, any

²⁶Norman Leys, op. cit., p. 337.

African laborer who broke a labor contract by deserting from a European farmer could be traced and returned to his European employer handcuffed. This is how it looked like:

No African can obtain work for more than twenty-four hours without having a "KIPANDE"²⁷ or registration certificate. A male African who comes within the category of "native" must register himself, receive a kipande, and thereafter carry this certificate upon his person at all times. The impressions of the fingers and thumbs of both hands are taken and are forwarded to the Central Finger print Bureau, so that if the African deserts his employer or commits any criminal offence he can be easily tracked down and arrested. When the African enters employment the employer must enter the date of engagement....When he leaves, the employer must again endorse the date. If the employer gives leave during the period of employment, these dates must also be entered....If the African is caught away from work without his certificate being endorsed, he can be arrested. The purpose of the kipande is clear. It guarantees that employers retain their labor supply.

²⁷The 'Kipande' (certificate was sealed in a little metal box and suspended by Africans around their necks by means of a suspender. This was by and large similar to that worn by Africans in South Africa and Zimbabwe (Rhodesia). However, after continued outcry and protest by Africans, led by Jomo Kenyatta, their suspension around the necks was withdrawn and the metal container was changed to a pocket-sized booklet.

...The power to demand production of the kipande is open to abuse by the police, who sometimes exact bribes. Intimidation is easy....For offences against the Native Registration Ordinance, the African becomes liable to a fine of L 20 or three months' imprisonment. These offences include being found in any district without his kipande, refusing to produce his kipande when told to do so by a lawful authority, mutilating his kipande, obtaining a new certificate without reporting the loss of the old one, or holding two certificates at the same time.²⁸

The 'Northey Labor Circular' of 1919 widened the scope of labor when it recommended that the government and European settlers should make use of every possible influence including force, if necessary, to get labor from African men, women and even children. The legality to hire and/or fire children, however, came into effect in 1927 when a "Native Labour Commission" advocated juvenile labor by suggesting that "it would benefit the children by providing discipline and training as well as better conditions."²⁹ In 1944 the number of women who formed the bulk of casual laborers was 9,377³⁰, and in 1945 more than 42,000 juveniles were reported to be

²⁸Aaronovitch, op. cit., pp. 113-114.

²⁹Labor Commission, Report, 1927, pp. 28-29.

³⁰Aaronovitch, op. cit., p. 105.

employed in agriculture on monthly contracts. Figures showing African labor units per month employed on European farms from 1920 to 1932, indicate a positively marked increase:

Average Monthly Labor Units on European agricultural Holdings:³¹

<u>Year</u>	<u>Number of Laborers</u>	<u>Year</u>	<u>Number of Laborers</u>
1920	53,709	1926	84,611
1921	67,388	1927	102,074
1922	61,649	1928	114,320
1923	70,957	1929	110,697
1924	87,093	1930	125,885
1925	78,527	1931	120,210
		1932	104,120

In the year 1924 the yield of direct taxation from 'natives' in Kenya was L 561,828³², whereas "European poll tax yielded less than L 9,000"³³. From 1901 to 1924, the total yield of 'native' hut and poll tax was L5,839,236, while the total of the only non-native taxes of general application was L231,942 from poll tax and L94,654 from income tax."³⁴ Governor Sir Edward Grigg, speaking at a St. Andrew's Night banquet in Nairobi on November 30,

³¹Marjorie Ruth Dilley, op. cit., p. 235.

³²Chief Native Commissioner's Report, 1924.

³³W. McGregor Ross, Kenya From Within (London: Frank Cass and Co. Ltd., 1968), p. 145.

³⁴Ibid., p. 151.

1926 reported that the following tax had been received in 1924: Africans L 999,840; Indians L165,813; Europeans L444,789; Goans L53,423; and other races L35,000.³⁵

In 1920 the colonial government issued another Labor Ordinance which granted European farmers the right to hire and fire farm workers. The farm workers were to be known as 'squatters'. These were to be tied to the farmers by forced arrangements (otherwise called 'contract') which gave them the status of serfs. Mr. Fenner Brockway, a British M.P. who made field research in Kenya gave a lengthy account of the conditions attached to this system when he said inter alia:

...The name should be "serfs" rather than squatters. I know of no labour conditions in the British sphere of Africa closer to slavery.

The squatters must sign a three-year contract. They are given up to two acres of land on which to grow food for the family; they must not sell any of their produce.³⁶

³⁵East African Standard, December 4, 1926, p. 16c.

³⁶Fenner Brockway, M. P., Why Mau Mau? An Analysis and A Remedy (London: Congress of Peoples Against Imperialism, 1954), p. 5.

Citing one specific 'contract' dated between May 1949 to May 1952 (Mr. Michael Blundell, the leader of the elected European group in the Legislative Council, and the most outspoken settler against African advancement), Fenner Brockway said:

...during the period of this agreement the resident labourer and every male member of his family who is of the apparent age of sixteen years or over and is resident in the occupier's land, and who is not working under any law for the time being in force in the colony relating to the employment of servants, shall each work for the occupier at such times as the occupier may direct, for not less than 270 days at the election of the occupier in each period of twelve months....³⁷

Furthermore, said Brockway,

No cutting live or dead trees, no donkeys, All women and children to work when required by owner. Continually being late or absent can mean instant dismissal and loss of shamba (hut and land)..

The squatters are not permitted to leave the district, whether to visit relatives or friends, or to spend an evening in town, or even to pay poll tax, without permit from the manager of the farm.³⁸

³⁷Ibid., p. 5.

³⁸Ibid.

Mr. Brockway pointed out that the 'contract' did not state what payment would be made to the women and children, but another 'contract' which he obtained in respect of Kabazi Estate, Ltd., -- a farm at Nakuru said that "women and children shall pick pyrethrum when required at one cent a pound."³⁹ Thus to earn one shilling they had to pick one hundred pounds of the little feather-like flowers.

Mr. Norman Leys gave the following statistical breakdown of the African 'squatters' resident upon European holdings in Kenya as on July 30, 1930:⁴⁰

³⁹Ibid.

⁴⁰Norman Leys, A Last Chance in Kenya (London: The Hogarth Press, 1931), p. 172.

<u>A. Province</u>	<u>Total</u>	<u>Per cent</u>	<u>Acres occupied</u>	
			<u>Total</u>	<u>Per Head</u>
Coast	503	0.5	2,806	5.3
Ukamba	5,943	5.4	79,680	13.4
Kikuyu	27,096	24.6	209,123	7.7
Naivasha	16,083	14.6	133,642	8.3
Rift Valley	11,940	10.8	85,365	7.1
Nzoia	29,195	26.5	388,338	13.3
Nyanza	19,396	17.6	162,929	8.4
<u>Total</u>	<u>110,156</u>	<u>100.0</u>	<u>1,061,883</u>	<u>9.6</u>

B. A BREAKDOWN OF NATIVE SQUATTERS IN THE KIKUYU PROVINCE:

<u>District</u>	<u>Total</u>	<u>Per cent</u>	<u>Acres occupied</u>	
			<u>Total</u>	<u>Per Head</u>
Nairobi	1,330	5.0	21,330	16.0
Kaimbu	11,479	42.4	63,745	5.5
Fort Hall	10,674	39.4	79,581	7.4
Nyeri, North	3,567	13.1	44,457	12.5
Embu & Meru	46	0.1	---	---
<u>Total</u>	<u>27,096</u>	<u>100.0</u>	<u>209,123</u>	<u>7.7</u>

C. A BREAKDOWN OF NATIVE SQUATTERS IN THE NYANZA PROVINCE:

<u>District</u>	<u>Total</u>	<u>Per cent</u>	<u>Areas occupied</u>	
			<u>Total</u>	<u>Per Head</u>
Nyanza Cent.	---	---	---	---
Nyanza North	432	2.2	678	1.6
Nyanza South	---	---	---	---
Ksu Ldi	9,026	46.5	84,081	9.3
Kericho	9,938	51.3	78,170	7.8
<u>Total</u>	<u>19,396</u>	<u>100.0</u>	<u>162,929</u>	<u>8.4</u>

Such were the economic conditions of serfdom. The physical conditions were scarcely less than those of slavery. As the above 'contract' describes, the farm laborers were not allowed to travel outside the district or the farm without a written permit from the farm owner or by his manager. Even to go into town or nearby 'village' on an evening or weekend or to visit relatives or to pay taxes they required this permit. To go away from the farm without permission was to risk arrest and imprisonment.

The 'squatter' could not break his contract. Moreover, if the farmer sold his farm to another European farmer, he automatically sold his contracts -- and the 'squatters' -- along with it. The laborers and their families were passed over to the new owner as if part of the chattels of the farm. If this was not in fact as well as in spirit slavery, then the word has no proper definition!

Africans submitted themselves to such conditions which removed from them every vestige of physical and economic freedom because of economic circumstances. If a man had no land in the 'reserve' and could not find a job in the town, and he had to survive, support his family

and relatives, what else could he do? It was the deliberate policy of the colonial government to create bitter economic circumstances in which Africans would be compelled to provide a contract pool of cheap labor for the settler farmer.

The following is a summary of revenue collected in 1931:⁴¹

⁴¹Aaronovitch, op. cit., p. 161.

TABLE 2

SUMMARY OF REVENUE COLLECTED IN 1931
(in British Pounds)

	Europeans	Indians	Loans	Arabs	Africans	Indivisible	Total
Direct taxation	42,596	39,170	3,251	18,114	530,877	---	634,008
Indirect taxation	334,477	145,213	47,346	16,992	199,181	2,341	745,554
Other taxation revenue	109,113	45,406	4,057	6,241	11,446	1,936	178,199
Other revenue (not taxes)	179,595	49,213	3,752	6,903	49,596	1,220,110	1,509,169
Total	665,781	279,002	58,406	48,250	791,100	1,224,391	3,066,930

Source:

In 1938, Hut and Poll tax Africans paid amounted to L534,361, and in 1944 they paid L 524,719.⁴² The revenue received from and grants to Africans ended up benefiting Europeans more than it actually did to the Africans.

McGregor Ross observes that:

The explanation of all the adroit attempts to prove that the Europeans in Kenya pay a reasonable share of taxation (in view of the benefits they receive and the wealth they make) is they do not.⁴³

He concludes by saying that in actual practice "Europeans were subsidized by funds derived from native sources."⁴⁴

C. Education:

Education in Kenya during the colonial period was influenced by the spirit of racial discrimination just like all other aspects of life already mentioned in the colonial Kenya. Whereas all sons and daughters of the ruling settler group had comprehensive and well developed educational facilities, the African children were simply looked upon and laughed at as though they were 'Charley

⁴²Ibid., p. 165.

⁴³McGregor W. Ross, Kenya From Within - A Short Political History (London: George Allen and Unwin, 1967), p. 164.

⁴⁴Ibid.

Brown' cartoons. It is true, however, that if it had not been for the half-hearted-generosity of the missionaries, the majority of the present educationally enlightened Africans would probably not have had the same opportunity.

While all European pupils were provided with professional kind of education, Africans were required to pay 'fees' and were subjected to rudimentary and irrelevant kinds of education such as memorization of Christian religious beliefs and practices (without permission to question their validity) and the history of Britain (such as Oliver Cromwell, Shakespeare plays, and 'the war of Jenkin's ear', etc.), were dominant subjects in the curriculum. Aaronovitch observes:

The white farmers (coming from Britain or South Africa) wanted some better system of education for their children, who became the direct responsibility of the Kenya Government. For these children, education was put on a professional footing with qualified teachers and suitable buildings. The aim, now achieved, was that all white children should be able to get education up to university standard within Kenya itself.

No such aim imbued African education. It is now largely where it was in the early part of the century in the hands of the missionaries, whose chief aim is conversion, whose educational training is often defective, and whose activities at all times have been hampered through lack of funds. Thus, the missions remained entrenched as the chief agents in African education, ensur-

ing that the vast majority of Africans will never be educated, that those who are will learn little, and that the greatest pains will be taken to protect them against "dangerous ideas".⁴⁵

Thus, we are able to show that proper education for Africans would have enlightened his hopes and ideas for equality of men, demand for independence and the recovery of his Highlands, all which, according to the European settler, were "dangerous ideas". Aaronovitch once again observes:

For Europeans, school education in Kenya is comprehensive, of good standards and expensive. It is compulsory for all children between the ages of seven and fifteen. Post-school training is provided by Government departments, the Egerton School of Agriculture and in overseas or South African universities by means of scholarships.

Indian education has now reached the stage of compulsory education for all Indian boys resident in the towns.

African education is another tale. Inadequately inspected mission schools, in many of which standards are too poor to qualify for a grant form the basis of the African school system.⁴⁶

⁴⁵S. and K. Aaronovitch, op. cit., pp., 132-133.

⁴⁶Ibid., p. 135.

With regard to government's educational expenditure, another confronting contrast revealed that "for every shilling spent by the Government on an African child at school in 1945, 150 were spent on his European counterpart. The figure for European children remained at L75 - 6 shillings per head (since there was compulsory education), but expenditures per head on African children was reduced to 3.07 shillings, or 500 times less!"⁴⁷ The following table shows the funds expended on education for the years 1936 and 1945.

⁴⁷Ibid., p. 139.

TABLE 3
GOVERNMENT EXPENDITURE ON EUROPEAN AND AFRICAN EDUCATION: 48

Year	European Education		African Education	
	Government No. Pupils Expenditure all schools head children	Expenditure per head children	Government No. Pupils Expenditure all schools children	Expenditure per head children
1936	49,814	26.7	5. 80,721	100,720 0-16- 0
1945	151,215	2,000	75 6 0	110,268 218,568 0-10- 0

48 Ibid., p. 140.

As early as 1925, as a result of government's failure to grant Africans their due share in education, and the missionaries' attitude toward African tradition and culture⁴⁹, Africans resolved to build for themselves the Kenya Independent Schools Association (KISA). Mbiyu Koinage became the Association's president in January 1939 upon his return from the United States after completing graduate studies at Columbia University. The association's inception apparently triggered the old colonial and settlers' attitude. By 1953 the Association had built more than 400 independent schools with an enrollment of more than 62,000 pupils. Because of the colonial situation -- especially during the Emergency, the government denied these youngsters' hopes and aspirations for high education on the allegation (which they could not substantiate) that these schools were centers of 'Mau Mau'.

⁴⁹For instance, female circumcission among the Gikuyu (For further details -- see Jomo Kenyatta's Facing Mount Kenya, Chapter VI, pp. 130-154; and Carl G. Rosberg, Jr., The Myth of Mau Mau, Chapter IV, pp. 106-135.

TABLE 4

ALLOCATION OF EDUCATIONAL FUNDS FOR AFRICAN, ASIAN AND EUROPEAN CHILDREN
1944 - 1946⁵⁰
(in British Pounds)

Year	Admin.	European*	Asian	Arab	African	Extraordinary, etc.	Total
1944	26,618	117,444	63,514	7,460	94,682	8,835	318,553
1945	26,150	142,159	84,608	8,933	111,131	21,638	394,619
1946	31,601	158,076	97,276	9,017	148,843	41,640	486,463

⁵⁰Colony and Protectorate of Kenya: Education Department, Annual Report, 1946, P. 10.

*Explaining the increase in cost of European education, the Report said that "as regards European education, the increase is mainly found under the cost of teaching and supervisory staff -- cost of equipment and store; especially boarding stores; and charges for bursaries and scholarships.

The Report gave the following number of pupils in each racial category:

TABLE 5
NUMBER OF PUPILS IN EACH RACIAL CATEGORY⁵¹

Category	Secondary	Primary	Elementary	Teacher Training
European	772	726	1,513	8
Asian	809	3,605	12,256	11
Arab	24	189	811	--
African	395	7,226	200,959	738

⁵¹Colony and Protectorate of Kenya: Education Department Annual Report, 1946, p. 10.

TABLE 6

A COMPARISON OF RECURRENT GROSS EXPENDITURE BY THE
EDUCATION DEPARTMENT DURING THE PERIOD 1950-1951⁵²

Pupils	Gross	1950	1951
European	3,841 (1950) 4,598 (1951)	351,243	447,475
Asian	22,176 (1950) 22,992 (1951)	268,582	348,248
Arab	999 (1950) 1,234 (1951)	19,550	38,386
African	---	410,069	543,050
Mixed Races		1,255	1,401
Total		1,050,700	1,378,540

⁵²Kenya Colony and Protectorate: Department of
Education, Annual Report 1951, p. 17.

Total expenditure of the colony in 1950 was L8,888,482,* and in 1951, L 9, 721,139. Percentage spent on education in 1950 was 11.8; and in 1951, 14.2.

TABLE 7

RECURRENT NET EXPENDITURE DURING 1950-1951⁵³

Pupils	Net	1950	1951
European and Mixed Races		186,789	223,876
Asian		203,585	270,248
Arab and African		420,264	570,916
	Total	810,638	1,065,040

⁵³Kenya Colony and Protectorate, Education Department, Annual Report, 1951, p. 17.

*L Stands for a British Sterling Pound.

TABLE 8

HIGHER EDUCATION AND OVERSEAS BURSARIES
AND SCHOLARSHIPS⁵⁴

Government Overseas Bursaries	Government Grant	Number Awarded in 1951	Total Number of Bursaries held in 1951
European	3,240	12	43
Asian	3,000	16	43
Goan	770	5	14
Arab	960	1	4
African	5,040	3	12

⁵⁴Kenya Colony and Protectorate, Education Department, Annual Report 1951, p. 27.

TABLE 9
NUMBER OF GOVERNMENT BURSARIES HELD 1960-1962⁵⁵

Pupils	1960	1960/61	1961/62
Europeans	53	56	53
Asians	62	75	80
Africans	28	34	40

TABLE 10.
NUMBER OF LOANS FOR HIGHER EDUCATION OVERSEAS
1960-1962⁵⁶

Pupils	1950	1961	1962
Europeans	29	33	35
Asians	63	77	72
Africans	32	35	46

⁵⁵D. P. Ghai, Portrait of a Minority: Asians in East Africa (Nairobi: Oxford University Press, 1965), p. 123.

⁵⁶D. P. Ghai, Asians in East Africa (London: Oxford University Press, 1965), pp. 122-123.

Furthermore, in 1952, 7,115 European children received an allocation of L512,581; while 337,000 African children received a sum of L1,089,742.⁵⁷ This, in essence means that an average of L 72 a year was spent on a white child, while only L 3 on an African.

At the same time a special Ten-year Development Fund provided for the expenditure of L 999,207 on educational projects for European children and L 350,196 for African children.⁵⁸ The gross disparity in public expenditure on education between the races show that the white-dominated government did not wish to provide opportunities for African advancement. The overwhelming majority of African children received no more than primary education and the average total number of years each person spent at school was no more than six, usually at some time between the ages of ten and fourteen. According to the 1952 records, only 3,891 African children were enrolled in secondary (High) schools and only one hundred and fifteen in post-secondary educational institutions.

⁵⁷Kenya Colony and Protectorate, Educational Expenditure, 1952.

⁵⁸Ibid.

Much of the difficulty, in addition to allocation of money, was the curriculum and the numerous and different examinations given to different racial groups in the country. While European and Asian children were offered training relative to their future primary needs, Africans were subjected to a secondary and subordinate future.

The academic period for both European and Asian students was divided into three stages: a six-year primary education, then a five-year secondary education. After completing a six-year primary education, both races had every opportunity open for them to proceed to the Cambridge Overseas School Certificate without unnecessary interruption. The colonial government's policy of 'superannuation'⁵⁹ did not apply to the above two races.

African pupils, before embarking on the secondary level, were first required to sit for and pass what was known as 'Kenya African Preliminary Examination' (K.A.P.E.). This was the most notorious examination for it was

⁵⁹'Superannuation' was a policy recommended to the Kenya Government by the Archbishop of East Africa, The Rt. Rev. Leonard J. Beecher. He suggested in effect that if an African child or pupil failed to obtain a complete pass in any examination, the pupil would automatically be withdrawn from school regardless. These unfortunate youths ended up auctioning their labor power on either European farms or in Asian stores doing back-breaking jobs, and those who did not find work ended up in untold misery.

intentionally made so stiff as to hope for large number of unsuccessful young people to auction their labor-power to European farmers as well as to Asian businessmen. Still another examination was held two years following the one above. This was known as "The Kenya African Secondary Schools Examination (K.A.S.S.E.). This was held two years prior to the Cambridge Overseas School Certificate. By the time an African had completed twelve years' of studious life, he had at least hurdled three superannuations.

Even the 'School Cert' as it was often called -- was structured in such a way that if, for instance, an African passed all subjects but failed in English language, the student would be automatically pronounced 'a failure'. The examination itself was set in England by the Cambridge Syndicate. Special invigilators were appointed to supervise the students taking the examination, and immediately following the writing of the said examination, the papers were collected, sealed, and then flown to England for correction. In essence, this was yet another way of 'britainizing' the African youth. Of the few who entered Makerere University College in Uganda -- which provided higher education for the whole of East

Africa (including present-day Malawi and Zambia), only thirty four African students from Kenya in 1952.

Up to 1952, not a single African agriculturalist, doctor, engineer, chemist or even a lawyer had been educated at an institute of higher learning. The Europeans claimed that universal education could not be afforded. But such arguments are about priorities. European settler farmers and businessmen were making exorbitant profits from the exploitation of the country's natural resources from the alienated land and numerous taxes, and also from the exploitation of cheap African labor. Out of these resources as well as others, the colonial government found itself able to offer compulsory and free education only to Europeans and Asians.

All the top jobs in the Government and business were reserved for Europeans; next in the strata of importance came Asians; for Africans, only the next lowly work (manual or casual) was open to them.

D. Disruption of the Africans' Communal Life:

The social distinctions were reflected in wage earnings. Figures prepared by the Kenya Government's Statistics Department over the years illustrate exactly

what the problem was all about. A look at 1964 (immediately following the attainment of independence), might give a fairly good view:⁶⁰

<u>Income Group</u> <u>Pound Sterling</u>	<u>Africans:</u> <u>Per Cent</u>	<u>Arabs & Somalis</u> <u>Per Cent</u>	<u>Asians</u> <u>Per cent</u>	<u>Europeans</u> <u>Per Cent</u>
Under 120	91.4	86.0	11.0	1.5
120 - 159	4.7	7.2	4.3	3.2
160 - 199	1.7	1.9	3.3	0.6
200 - 399	1.7	2.0	13.0	2.5
400 & Over	0.5	2.9	68.4	92.2
Total	100.0	100.0	100.0	100.0

From the above table, it can be seen that ninety-one and one-half per cent African employees earned less than L 120 per annum, and only zero point-five per cent earned L 400 and over; whereas, Asians and Europeans had a very small percentage represented in the L 120 pounds bracket, and sixty-eight and one-half per cent, and ninety-two per cent were in the L400 and over bracket, respectively.

In practice, wages prescribed for Africans neither had any relationship to the actual labor generated into the production of the goods and services by them, nor did

⁶⁰Kenya Development Plan, 1964-1970, p. 34.

the wages reflect the value of the goods and services, but they were derived rather from the unscrupulous method of "estimated monthly requirements of a single man", as the following table illustrates:⁶¹

TABLE 11

ESTIMATED MONTHLY REQUIREMENTS FOR A SINGLE MAN

<u>A. Food</u>	<u>B. Clothing</u>
36 lb. Maize (corn) meal	1/6 of (1 K.D. Shirt;
5½ lb. Wheat flour	(1 K.D. Shorts
15½ lbs. Potatoes	(1 Cotton Vest
21 lbs. Sugar	1/12 of 1 Blanket
8 lbs. Beans (dried)	1/24 of (1 K.D. Jacket
4½ lbs Meat	(1 K.D. Trousers
7½ lbs. Veg. (green leafy)	
7½ pts. Milk	<u>C. Fuel and Lighting</u>
½ lb. Tea	One 70-lb bag charcoal
1 lb. Salt	Three pints paraffin
	<u>D. Cleaning materials:</u>
	2 lbs. Soap
	K.D. = Khaki Drill

⁶¹Colony and Protectorate of Kenya, Report of the Committee on African Wages, 1954, p. 64.

The most dramatic and significant aspect of the above table is that the European employers expected Africans to use only one khaki-drill shirt, one pair of shorts, and one cotton vest, one blanket and one jacket in one solid month. From the same list it can also be ascertained that Africans were not expected to drink coffee despite the fact that the product is grown in the country with their labor. A more interesting aspect is the absence of insurance, medical and rent reserves or allocations although such services were hardly free of charge. Whereas Europeans and Asians received what they called salaries, Africans were confined to subsistence wages. Even the wages received were too meager to provide them with the essentials of life. Consequently, "he was assumed to require only food (of the crudest type), shelter (equally crude) and enough cash to pay his taxes."⁶²

But often Africans were caught with no extra cash for taxes because of the inadequate wages, and more importantly because of the unique nature of numerous taxes imposed on them as already described. Where and when an

⁶²K. Aaronovitch, op. cit., p. 108.

African failed to comply with the tax regulations, the colonial government took the opportunity to seize part of the victim's livestock, or sometimes land, for auction. When and where such opportunity could not be secured by the authority, the African was arrested and taken to a European farmer for whom he labored for several months in lieu of the missed tax.

It is not unfair to say that the Europeans resented African advancement. Even on their small plots of land, Africans were prevented from advancing themselves. There were restrictions on them growing cash crops such as coffee, sisal and tea. The Europeans claimed that they did not wish the quality of these cash crops to deteriorate and plant diseases to spread because of Africans' inferior methods of cultivation. But Africans could hardly resist the conclusion that what the European farmers actually feared was economic competition from expanding African agricultural production.

In the towns, African poverty was even more critical. The thousands of homeless in Nairobi, for instance, crowded into the rooms of friends and relatives or passed the night in the shelter of store fronts or in the dingy markets of 'Barma', 'Kariokor', and 'Kamkunji' -- to

name but a few, where they huddled under any scraps of rag or paper which they could salvage from the garbage dumps. Even those who had jobs -- usually at wages of less than sixty shillings a month (less than \$9) found the going increasingly difficult.

Following World Wars I and II, and especially after the latter, the cost of basic African food requirements such as corn-flour had risen by more than six hundred per cent. And, such is the African humanism or extended family -- the concept of helping one another -- that most men in jobs would by their tradition share their accommodation and whatever food they had with those less fortunate. This practical, instinctive, African mutual help makes even uglier the hypocrisy of the colonialists who so often claimed they entered Africa bringing 'civilized' Christian values, but in fact left a trail of social disruption, poverty and misery wherever they went.

Fenner Brockway, British M.P., tells how he and a colleague Leslie Hale, M.P., visited African reservations in Nairobi and found that:

We approached a brick structure which looked like a row of latrines. It was pre-war municipal terraced housing. We knocked at any

door by chance. The one room was ten feet by ten. It had no window and was dark. Three married couples were sleeping in it, their quarters limited to narrow beds behind curtains. We went up to a newer housing estate, architecturally picturesque. We knocked at the first door. It was again a one-room dwelling, fifteen feet by twelve. Two families lived in it, four adults and four children.⁶³

Mr. Brockway then poses this question:

Is it surprising that the death rate from tuberculosis has increased in Nairobi by threefold in the last seven years?⁶⁴

Conditions attached to the farms seemed so intolerable that many 'squatters' who felt they could no longer bear it sought to drift away.

With regard to the size of land occupied by Africans the Morris Carter Commission recommended in effect that:

the size of the Reserves be limited and that the size be based upon the number of wives and be progressive and that also that it ought to be a system of identification by registration, based upon the South Rhodesia Native Pass Consolidation Ordinance...if registration proved inadequate, then a Pass Law, on the

⁶³Fenner Brockway, M. P., op. cit., pp. 4-5.

⁶⁴Ibid.

lines of the one in force in South Rhodesia, should be introduced.⁶⁵

The continued economic and political litigation between European settlers and Asians especially over the Highlands finally compelled the British Government to intervene in 1922 by appointing another Commission headed by a Conservative Secretary for the Colonies, the Duke of Devonshire. The statement, generally known as the 'Devonshire Declaration' said inter alia:

Primarily, Kenya is an African territory and His Majesty's Government think it necessary definitely to record their considered opinion that the interests of the African natives must be paramount, and that if and when those interests and the interests of the immigrant races should conflict, the former should prevail.⁶⁶

But the principles enunciated by the Duke of Devonshire were never heeded, indeed, there had never been any effort to give practical expression to them. Over the decades, instead of protecting the rights of Africans, especially over land, the British Government surrendered more and more absolute power into the hands of the settler community led by Lord Delamere, Michael Blundell, Captain

⁶⁵Carl G. Rosberg, Jr., The Myth of Mau Mau: Nationalism in Kenya (New York: Frederick A. Praeger, 1966), pp. 45-46.

⁶⁶Great Britain, Future East African Policy (London: Cmd. 2904, 1927), pp. 2-3. (See also Cmd. 3574, 1923).

Briggs, Charles Markham, Harvelock, Ferdinand Cavendish-Bentick and other hard core settlers.

Africans could not believe in goodwill from Britain. When they sent delegates to London they were treated with hostility and insults. In Kenya they were treated contemptuously as 'foreigners' in their own country. Herded into reserves or forced into slave-like labor, they had no way to escape.

The Europeans claimed to be developing Kenya, but it was primarily development for the European settler community, and the imposition of their culture on Africans. For instance, the best roads were those linking European-owned farms and providing communications for European trade. These roads did not penetrate into the African areas (Native Reserves).

The urban centers were developed primarily for the convenience and pleasure of the Europeans. This is obvious from the construction of these areas where there was a smart Europeanized center, an outer band primarily Asian and, on the fringes and beyond, the so-called 'African locations'. In these urban areas the color-bar was rigorous: hotels and restaurants exclusively for

whites; separate schools; separate hospitals, separate lavatories for Europeans, Asians, Africans; everywhere segregation and insistence on European superiority. Mr. Fenner Brockway, M.P., once again observed:

In Nairobi in 1950 my companions were the representative of the United Nations in East Africa and the First Secretary at the Office of the Indian High Commission; the former distinguished African, a doctor of philosophy at Columbia University, New York, the latter distinguished Indian, an Honours Degree graduate at Oxford. We searched Nairobi for one hour to find a restaurant or hotel where we could have a meal together. We failed. "Europeans only" was invariably the rule. We had finally to resort to a rather low dance hall down town. I was ashamed and my friends were humiliated.

Racial discrimination permeates every sphere of life in Kenya....In towns, the races must live in different locations -- African, Asian, and European. The races are educated separately in the schools. There are separate hospitals and clinics. Everywhere there is racial segregation. I regard the separation of children in the schools as the greatest social crime committed in Kenya.⁶⁷

On Wages Mr. Brockway observed:

Europeans, Asians and Africans who do the same work are paid on different scales. The Government gives a lead to private employers in this matter by paying Europeans more than Asians of the same grade, and Asians more than Africans.

⁶⁷Fenner Brockway, op. cit., pp. 6-8.

A deputation of African veterinary surgeons waited on Leslie Hale and myself. They had qualified at Kakerere College, but when they took posts in the Department of Agriculture they found themselves working under an unqualified European who was paid a higher salary than they received.⁶⁸

Quoting the Department of Labour's annual report, Mr.

Brockway continued:

The lowest grade among Europeans was under L600 a year. There are between two and three thousand Europeans receiving less than that in Kenya.

The lowest grade among Asians was under L180 a year. There are between three and four thousand Asians receiving less than that in Kenya.

The lowest grade among Africans was under L24 a year. There are 46,000 African workers receiving less than that in Kenya. Clothe these figures in flesh and blood, picture what they mean in physical existence and social and educational opportunity, and the whole scene of racial differences in Kenya is revealed in its stark injustice and cruelty.⁶⁹

In 1959, Mr. John Stonehouse, Britain's Labour M. P., speaking in the House of Commons, appealed to the British Government in conjunction with the Colonial Government to change the old policies. He pointed out that "it was

⁶⁸Ibid., p. 8.

⁶⁹Ibid.

time the colony forged ahead economically, socially and politically".⁷⁰ According to Mr. Stonehouse:

1. the country should have eventual self-determination on the basis of universal adult franchise;
2. there should be no discrimination among the different communities.⁷¹

Mr. Stonehouse warned his listeners, the British and Kenya Governments and the Kenya European farmers alike that if the British Government had not reserved the 'fertile land' for European use only, and also if the British Government had listened to the plea made in 1952 for land reform, it was possible that "the whole awful business of Mau Mau would have been avoided".⁷² Mr. Stonehouse finally recommended that "those Europeans who could not stomach such a policy would have an opportunity to leave the country".⁷³

⁷⁰"Parliamentary Correspondence: African Affairs at Westminster", Journal of Royal African Souls, Vol. 56, No. 230 (January 1959), 47.

⁷¹Ibid.

⁷²Ibid.

⁷³Ibid.

Summary:

This chapter first noted a rapid transformation of the Highlands as a result of continuous influx of European settlers. This became a 'Land Rush' period. Syndicates, Concessions, and individuals -- all lined up to grab as much land as their capacity could allow. To them, this was 'no man's land'.

The railroad, which covers a distance of about 880 miles from Mombasa to Lake Nyanza (or Victoria) was constructed for economic political purposes. Politically, it enabled the British to transport drafted Africans and British troops to Central and North Africa to fight other intruding European nations. These troops were also used to put down Africans rebelling against the European influx. Economically, the railroad facilitated the importation of Africans to Europeans' farms, and also the importation of raw materials to Britain.

To build the railroad, and also protect it from possible attack by rebellious or hostile Africans, Indian coolies and sepoys were imported by the British authorities. Generally, Africans refused to work on the construction due to traditional norms (which lacked the employer-employee concept), and also due to their hostility against

the railroad itself, and what it stood for).

On account of the dispossession of the land, many Africans who were unable to find accommodation elsewhere became squatters on white plantations. Under the law, squatters labored for the white man for not less than 180 days a year in order to be allowed to use a little piece of land on which the man and his family squattered.

Another method adopted by the colonial authorities in providing the white settlers with abundant supply of cheap labor was the system of direct taxation. Every African presumably over the age of eighteen had to pay a poll tax. Polygynists paid 'hut tax' on the basis of the number of wives.

To enable the European settlers to keep control over their labor supply, a labor certificate or a pass (KIPANDE) was introduced by the colonial government. Under the 'Native Registration Ordinance', every African was compelled to carry the pass. To be found without it was a criminal offence liable to heavy fine, imprisonment, or both.

The pattern of government was based on the philosophy of 'white supremacy'. For example, there were three systems in the colony -- European, Asian and African.

The latter received the least attention. While white children enjoyed free compulsory education, the majority of the African children of school-going age received no education at all. And the few who managed to get into schools (mainly mission schools), paid school fees. Because of this neglect, socio-economic evils among the Africans were rampant.

CHAPTER IV

AFRICAN RESISTANCE TO EUROPEAN SETTLEMENT

A. Pre-Mau-Mau Period:

Towards the end of 1919, an organization called the East African Association was formed under the leadership of Harry Thuku. In 1921 this organization convened a meeting at Dagoretti, near Nairobi, attended mainly by 'chiefs' and 'headmen' who authorized Harry Thuku and a few others to draw up what was probably the first African Petition to the British Government protesting against European hegemony through forced labor, the iniquitous hut and poll taxes, the alienation of their lands to Europeans, and the enactment of the 'Registration Ordinance'. The Petition ended by enquiring of the British Government whether the oppressive measures enacted against Africans was the Government's way of acknowledging the faithful service rendered by the 'Carrier Corps', consisting largely of Africans, in the war effort against the Germans in the then German colony of East Africa.

The Kenya Government's response was to launch an attack on Harry Thuku and his associates which culminated in the arrest of Thuku on March 14, 1922. Thuku was

held in custody at the Police Station in Nairobi. On learning of the arrest of their leader, thousands of Africans began assembling near the Police Station and demanded his release. Exasperated by the refusal of the Chief Secretary, Sir Charles Bowering, and the Governor General, Edward Nortley, to release Thuku, Africans gathered at the Police Station and attempted to enter the Station en masse. The Police opened fire. According to government authorities, "at least twenty-one of them lay dead".¹ Soon the government banned the East African Association, and deported Thuku to Kismayu, a remote area in the Northern Province of Kenya; he was not released until 1931.

Earlier in 1923, the government allowed the formation of a political body provided such a body confined its membership to a single ethnic group. In this way the colonial government hoped to foster ethnic divisions within the country. Accordingly, in 1923, the Kikuyu Central Association was formed with Joseph Kangethe as

¹"The Rise of Political Parties in Kenya", by W. Kirumba. KENYA TODAY, No. 9, September, 1970, p. 30.

president and Jesse Kariuki as vice president. Almost simultaneously similar organizations were formed in other parts of Kenya. For instance, two organizations emerged in Nyanza province -- 'Piny Owacho' (the country speaks), Young Kavirondo Association², Carl G. Rosberg Jr. observes:

While the struggle over land intensified the growth of political consciousness among the Kikuyu during this period, this consciousness was no means restricted to them. Associations among the Luo and Luhya in Nyanza, the Wakamba in Central Kenya, and the Taita near the coast, protested Government policies and actions and demanded redress of economic and land grievances.³

He continues:

Major urban protest⁴ was expressed in a strike at Mombasa in 1939.

In 1928, Jomo Kenyatta, then Secretary of the Kikuyu Central Association, was chosen to present African land grievances to the British authorities in England. His mission was unsuccessful. In 1932, Kenyatta was

²The Association was later changed into 'Kavirondo Tax Payers' Central Association', and shortly afterwards to 'Kavirondo Taxpayers' Welfare Association', at the insistence of Archdeacon Owen of C.M.S., Owen himself became president of the Association.

³Carl G. Rosberg, Jr., The Myth of Mau-Mau: Nationalism in Kenya, p. 136.

⁴Ibid.

again asked to return to England to press further for the return of the Highlands, but his mission was once again of no avail. In the meantime, Protestant Missionaries launched a campaign against female circumcission. Anyone refusing to give support to the Missionaries' demand was required to remove his/her child from mission school and the family was excommunicated. This undertaking led to the formation of the Kikuyu Independent Schools Association, the Githunguri Teachers' College, the Karinga Independence Schools Association, the African Independent Orthodox Church, and the 'Dini ya Msambwa' (a secret cult).

Africans' feelings were more aggravated particularly when in 1933, Kenya Land Commission under the chairmanship of Justice W. Morris Carter felt that their "terms of reference precluded them from redressing land grievances of Africans",⁵ and went on to recommend in Section 1971 of the Commission's Report the legislation of

⁵Kenya Land Commission: by Justice W, Morris Carter, 1933 Section 1971, p, 491.

"approximately 16,700 square miles" as "the European Highlands".⁶ "At the time when the Commission reported", wrote Lord Hailey, "the actual area alienated to Europeans was 10,345 square miles, of which 11.8 per cent was cultivated, 40.7 per cent used for European stock, 20 per cent occupied by native squatters, and 27.5 per cent not in use. The margin between the 16,700 square miles which were eventually defined by the Commission as reserved for European occupation and that already held by settlers was therefore considerable; there was an even greater disproportion between the area reserved and that in beneficial use...."⁷ In 1938 the Akamba Association in conjunction with the Taita Hills Association organized a marathon protest march to Government House against the confiscation and slaughtering of thousands of their cattle by the government under the order of 'destocking' (or what the government called 'an anti-erosion measure')⁸

⁶Ibid.

⁷Lord Hailey, An African Survey, rev. 1956 (London: Oxford University Press, 1967), p. 750.

⁸Odinga, op. cit., p. 96.

under the recommendation of Morris Carter's Land Commission Report which said inter alia:

with all the emphasis at our command, that action be taken with the least possible delay to inaugurate the cutting of surplus stock and to pursue unremittingly a policy of controlling the cattle population within the limits which the grazing facilities available from time to time dictate.⁹

Meanwhile, other sporadic organizations and protests were staged in other parts of the country. Such organizations included, among others, the East African Trade Union Congress, the Ex-Service-men Association, the two chambers of 'Parliament' and the 'Thirty Group'.¹⁰ Later, all these formed what was to be known as the 'Land Committee'. This Committee resolved to send Aching Oneko and Peter Koinange to London once again to plead with the British Government to allow Africans to occupy and farm those parts of the Highland that were idle. They took with them a petition to His Majesty which bore some "67,000 signatures"¹¹ and when the delegates asked to see

⁹W. Morris Carter Land Commission Report, 1933, Sec. 2011, p. 501.

¹⁰For the functions and aims of 'Parliament' and the 'Thirty Group' (See Oginga Odinga, NOT YET UHURU), pp. 111-112.

¹¹Carl G. Rosberg, Jr., op. cit., p. 224.

the Secretary of State for the Colonies, Mr. Oliver Lyttelton, the latter refused to see them and so turned down all the 'delegations' proposals summarily. Asked to repeal the two 1938 Ordinances which denied land rights to Africans, the Colonial Office "argued that the land the Europeans had occupied had been empty and unused, consisting of enormous tracts of grass and bush, uninhabited save for wild animals and periodical visits by savage herdsmen with their herds of cattle."¹² The Colonial Office argued that it was "only the Kikuyu (that) were opposed to the Kenya Land Commission"¹³, and that the opposition:

...has been organized mainly by the so-called 'Kenya African Union', which it should be noted is still, despite assertions to the contrary and efforts to enlist support from other tribes, an almost entirely Kikuyu organization. The majority of Africans of other tribes are indifferent to it, many with just cause and suspicions; and others openly hostile.¹⁴

This action by the British Government acted as a catalyst to the already fermenting African feelings.

¹²Ibid.

¹³Ibid., p. 225.

¹⁴Ibid.

The latter finally demanded a formation of a country-wide organization in place of ethnic or regional ones that had hitherto been in operation. The Africans' objective this time was to coordinate their efforts. This gave birth to the Kenya African Study Union, Later in 1945, the organization changed its name to "Kenya African Union", with James Gichuru as its President. In 1946, Kenyatta became its President following his return from seventeen years of self imposed exile in Europe, and the organization's intensity flourished as its new and formidable oathtaking drastically intensified the Africans' thinking.

Oginga Odinga observes:

Never in the history of Kenya was there a more crucial period for the freedom of struggle in the years from 1946 to 1952; the great upsurge of support for KAU when Kenyatta returned in 1946 was the overt expression of the tumult among the people.¹⁵

He continues:

Oaths had begun to have political significance in the twenties when the land agitation started in force, but a new type of oath -- the administration of a mass oath to a whole community --

15Odinga, op. cit., p. 98.

emerged in 1947-48 when the crisis of the Olengurone squatters came to a head. Eleven thousand Kikuyu were faced with forcible eviction from their lands; the oath taken on that occasion was not the entry to a secret society of the select, but a community pledge -- a commitment to a kind of verbal constitution -- to resist removal and agricultural restrictions,¹⁶

The Colonial Office deliberately overlooked numerous deputations and demonstrations from other ethnic groups such as the Wakamba, the Masai, the Kavirondo Associations, the Taita Association and the East African Association all of whom had as early as in the 1930's and 1940's staged demonstrations demanding the repeal of the Land Ordinances of 1902, 1915 and 1934. Thus, the deputations and delegations to the colonial authorities returned to their people empty-handed and without the slightest encouragement that there might be improvements.

Thus Britain did, through its Royal Commissions and government create and institutionalize an entity structured along color line -- as one historian commented:

The Commission's recommendations, which were accepted by the British Government, implied that Kenya was to be partitioned into two racial blocks, African and European. And in the African sector, all economic, social and

¹⁶Ibid., p. 97.

political developments were to be conducted on tribal lines. Racialism thus became institutionalized.¹⁷

On April 13, 1944, three European settlers and colonial administrators made it crystal clear in the Legislative Council that the Highlands belonged to the European settlers, and that they had no intention of giving them up. They also claimed in their speeches that the Africans had no interest in the Highlands. They said:

We have established the fact that we have rights in the area known as the Highlands, and we have not...the slightest intention of giving up those rights or having them interfered with, and I think it is a real waste of time for minorities in this Council to keep on questioning them.¹⁸

...It is the policy of this Government supported and confirmed again by the Imperial Government, that the Highlands of Kenya shall be reserved for the ownership and occupation of white residents only.¹⁹

¹⁷Walter Rodney, How Europe Underdeveloped Africa (London: Bogle-L'Ouverture Publications, 1972), p. 251.

¹⁸Major Sir Ferdinand Cavendish-Bentinck (Member for Agriculture and Animal Husbandry). Kenya Legislative Council Debate, April 13, 1944.

¹⁹C. E. Mortimer - Commissioner of Lands and Settlement. Kenya Legislative Council Debate, April 13, 1944.

The natives of this colony have no land interests in the Highlands....They have no rights to the land, and I hope they never will.²⁰

B. Mau Mau Showdown and the Declaration of Emergency:

The first news which the world at large heard of an impending crisis in Kenya was a sensationallly-angled story spread across the front pages of both The London Times and East African Standard dated March 17, 1950. These newspapers told in highly colored terms of an alleged plot to murder all Europeans in Kenya. The story flared and then petered out. Then came occasional reports of spasmodic acts of violence.

Nonetheless, European groups in Kenya were agitating that there was a serious threat to 'law and order', and pressed the Government to take some drastic action. The Press, sensing a good story, began to build up every incident they could track down into a sensation.

The expression "Mau Mau" crept into the news column. No one knew its origin or meaning. Many African leaders, spear-headed by Mr. Jomo Kenyatta repeatedly said publicly that they neither knew its origin nor its meaning and

²⁰Montgomery (Nominated Member for 'African-Interests'), Kenya Legislative Council Debate, April 13, 1944.

objective. For example, on February 4, 1951 Kenyatta addressed a huge rally at Kaloleni in Nairobi, during which he said that he did 'not know of the word 'Mau Mau' or in what language it occurred".²¹

However, in Barbette Blackington's Masters Thesis, one Kikuyu informant is reported to have given the following explanation about the origin of the word 'Mau Mau' in 1950:

The word 'Mau Mau' is a rather Kikuyu word, but since it is a repetition of two words, very few Kikuyu people have come to think of its real meaning. 'Mau' means 'those' in the English sense of the word. When the first trial was held in Kenya at a place called Naivasha (on or about March 17, 1950, accused of oath taking), one of the accused, while attesting evidence was cross examined by the prosecution to say what he was told not to tell anyone by the oath administrator. His answer was that he was told not to review 'those things'. The prosecutor insisted, what were those things, but since he never wanted to tell the court he continued saying 'those, those, those things'. Here the reporters put the words as 'those those things', which in my Kikuyu language means things not to be reviewed. Let me put it this way, 'those' means 'Mau' and those things means 'Mau', therefore, 'those those' means Mau Mau.²²

²¹Carl R. Rosberg, Jr., *op. cit.*, p. 269.

²²Barbette Blackington, A Study of the unrest which was the Mau Mau Movement: Unpublished M.A. Thesis, Howard University, Washington, D. C., 1962, pp. 177-178.

The author then asserts:

It is essential to understand that until the commencement of guerrilla warfare in Kenya in late 1952, Africans did not use the word Mau Mau regarding themselves. The Mau Mau Association was a term invented by a European in 1950 in an effort to label activity in African society about which Europeans were ignorant. The activity was the secret, but nevertheless, legal, administration of the "Oath to get the lands back." Having called the activity which they wished to attack by a foreign name, and having termed it an association when it was not one, in order to bring it within the realm of legal prosecution, the Europeans had moved several steps away from the reality known to the Africans. The people engaged in taking and giving the "Oath to get the lands back", never called each other, or anyone, Mau Mau. Therefore, African leaders who were fully cognizant of the "Oath to get the lands back", could truthfully say that they did not know what Mau Mau was. They did not. This is not a tongue-in-cheek behavior. The Europeans invented and used Mau Mau at this time to arrest and harass Africans. The African leaders sincerely denounced Mau Mau as a fiction used to slander and assault the African community.²³

However, it is true that the peasantry who resolved to revolt against the settler government organized themselves in the 'Mau Hills' of Kenya; some of these men were in the Aberdare Mountains, Kenya Mountain, while others were in the outskirts of Mount Elgon. This was necessary since trying to do so in the open would have

²³Ibid., p. 149.

endangered or risked their overall objective. The government security forces, on hearing some reports that many of these people were in hiding in the forests of Mau Hills, with the intention of revolting against the government, sought to call these people (and everyone else that was in sympathy with them) 'Mau Mau'.

Meanwhile in Kenya, the African political leaders were busy with constitutional activities. The Kenya African Union (K.A.U.) had become a mass movement, and the Kenya Land Petition was reaching its climax. For instance, in May 1951, K.A.U. issued yet another land petition entitled 'Prayer for the Restoration of our Land', a copy of which was handed to the Secretary of State for the Colonies, James Griffiths, on his visit to Kenya. The Petition listed several grievances resulting from Land Ordinance of 1938 and others. These grievances included, among others:

the creation of a population of over 250,000 squatters -- with no rights of security, in the European areas, the exodus of large numbers of Africans to the towns to serve as cheap labour, the increase of poverty, malnutrition, crime and moral degradation among Africans.²⁴

²⁴Mbiyu Koinange and Achieag Oneko, Land Hunger in Kenya (London: U.D.C. Publication, 1952).

The Petition continued:

The Crown Land Ordinance passed in 1938 had been to establish a European aristocracy based not on moral or mental superiority, but on an artificially created monopoly of fertile land situated in a climate giving the greatest opportunity for health, in contrast -- a large part of African population is compelled to live in dry, hot and unhealthy areas insufficient in extent and fertility to maintain existence. In the rural areas the result has been over-stocking, soil erosion and deplorable agricultural conditions; in the urban areas overcrowding, vice and ghetto-like conditions. The African people in Kenya do not recognize the moral authority of either the Crown Lands Ordinance or the Native Land Trust Ordinance. Their land has been taken from them without their consent.²⁵

The Mau Mau propoganda had in fact begun three or four years before the Colonial Governor, Sir Evelyn Baring, declared a state of Emergency on October 20, 1952. Steps to suppress African political activity and remove the political leaders had privately been suggested by European settlers. Indeed some advocated the execution of Jomo Kenyatta, Oginga Odinga and other top leaders. This is revealed through the secret circular of the Electors' Union (an organization of European settlers in Kenya) dated

²⁵Ibid.

August 7, 1952, which was marked, 'NOT FOR PUBLICATION'²⁶
(See the circular in the Appendix).

The Mau Mau propaganda continued to mount and reached a hysterical pitch in mid-August 1952. For instance, on August 24, 1952 the Kenya Colonial Government issued a statement referring to what it called "evidence of growing unrest and disregard for law and order".²⁷ Curfews were imposed in three Kikuyu districts: Nanyuki, Nyeri and Fort Hall. Meanwhile, Britain's Lancashire Fusiliers stationed in Egypt were flown into Kenya, and the 4th Uganda Battalion of the King's African Rifles were sent into the country. Over 2,500 European settler/farmers joined the Kenya Police Reserve.

In September, a Mr. E. R. St. A. Davies, the 'Chief Native Commissioner' and Member for 'African Affairs', and Mr. John Whyatt, the Attorney-General flew to London for discussions with the Colonial Secretary. On the day the Emergency was declared, hundreds of Africans were

²⁶Electors' Union, August 7, 1952. (See also Anthony Howard, Kenyatta, A Photographic Biograph (Nairobi: East African Publishing House, 1967), p. 86.

²⁷East African Standard, August 25, 1952.

rounded up and detained. Top leaders of K.A.U. headed by Kenyatta were flown to Kapenguria (in the remote part of northern Kenya) where they were prosecuted and later imprisoned for seven years for "managing 'Mau Mau'."

The causes of 'Mau Mau' revolt arose mainly from deep-rooted and continuing frustration -- a frustration which the African could never avoid. Mr. Fenner Brockway, British Labor M.P., gave a rather comprehensive account of this episode.²⁸

While in London, both Achieng Oneko and Mbiyu Koinange said that the Kenya African Union (K.A.U.) and all African leaders had no knowledge of a Mau Mau movement. They said, however, that African discontent grew as a result of the failure of both the British government and the Kenya settlers to return the land to Africans. They referred to Kenya Land Petition and to the fact that about two hundred British Labor M.P.'s has signed a Parliamentary motion supporting the African demands.

The tremendous increase in the membership of the Kenya African Union, and the growing support for the

²⁸For detailed account, See "Why Mau Mau" by Fenner Brockway, M. P., in the Appendix.

demands of the Africans in other parts of Africa, and especially those in foreign countries, including Britain, alarmed the leaders of the European Electors' Union -- a conservative organization -- and most of the European farmers.

Under the pretext of suppressing 'crime' and establishing 'law and order', the representative organizations of the Africans were attacked. Meetings of the Kenya African Union were banned. It was even illegal at that moment for more than six Africans to meet without prior permission from the Government.

Even before the Emergency was officially declared on October 20, 1952, the Government had indeed begun to take action which created an atmosphere of foreboding. For instance, road travel in and out of Nairobi was banned between the hours of 7 p.m. and 5.30 a.m.

After his return from London, the Attorney-General, Mr. John Whyatt introduced a series of bills into the Legislative Council which gave the Government wide powers to control the Press and organizations and to restrict the movement of persons they suspected of 'subversive activities'. All printing presses had to be licenced and the Government could seize and destroy newspapers printed on unlicenced

presses. Societies with ten or more members had to be registered and those not admitted into registration automatically became illegal. Any organization with international reputation or affiliations such as K.A.U. could be proscribed if the Government deemed it necessary.

There were greatly increased penalties for sedition and the way was eased for Courts to find a person guilty of 'seditious activities'. No longer was direct evidence obligatory; statements could be taken on affidavit which became valid evidence in court; confessions made to police officers under duress were admitted as evidence. A provincial commissioner or even a district officer who was satisfied that any person was a member of Mau Mau or any 'unapproved' organization could order his removal to a restricted area and disobedience of such an order was punishable by a fine of one hundred pounds (a fortune to most Africans) and/or twelve months' imprisonment. Certainly these measures overthrew basic principles of legal justice. But they were nothing compared to the wholesale abandonment of legality and ruthless repression which was soon to follow. Meanwhile, the police appealed to European farmers to form 'home guard' for night patrolling.

On October 20, 1952, some additional troops were

flown into Kenya -- the last Battalion of Lancashire Fusiliers from the Suez Canal area; a battalion of the King's African Rifles from Tanzania (then Tanganyika); and two further companies from Uganda. The same night the Governor ordered the police to strike at the headquarters of the Kenya African Union and the homes of the Union's executive officers, and more than a hundred others were apprehended. Jomo Kenyatta, President of the Union; Achieng Oneko, General Secretary; Fred Kubai; Bildad Kaggia and Kungu Karumba were among the first to be rounded up.

Police and troops concerted this drive into the African 'reserve', searching houses, surrounding men and women for 'questioning'. Road blocks were set up; trucker-dogs were used to hunt down anyone running away. In the cities -- especially Nairobi -- detachments of the Lancashire Fusiliers patrolled the streets with fixed bayonets. Thousands of Africans were arrested indiscriminately. At this time in Kenya constitutional methods of struggle were now utterly unapplicable. The only law was that of the bludgeon and the gun. Police and troops moved systematically through the African locations and reservations. There were all kinds of atrocities: killings, beatings,

rape, lootings, arson, etc. Thousands of Africans -- men and women alike, began to flee to the forest, the last hope of safety.

Everywhere Africans were being rounded up on mere suspicion of being either a member of 'Mau Mau' or a sympathizer; or any African who openly mentioned the opinion that his land must be returned to him as the rightful 'owner' was rounded up. Tens of thousands of Africans -- especially belonging to Kikuyu, Embu and Meru ethnic groupings were expelled from European farms. In Nairobi the police carried out house-to-house searches for unemployed Africans. As people were constantly arrested and detained in several Emergency camps, the Government and European farmers moved bull-dozers in the African 'villages' and destroyed their houses and crops, and had their land confiscated by the government. Everywhere there was chaos. Prisons and detention camps were crammed to suffocation. There was no doubt that the settlers' and government's principal aim was deliberately to create mass starvation.

This state of affairs was spearheaded through communal punishments. A special tax was imposed on each ethnic group as a contribution to the cost of the Emergency.

And every member of the ethnic group was held responsible-- by a system of communal punishments -- for every act committed by 'mau mau'. If a 'Mau Mau' incident occurred in some district or location or reservation, all the inhabitants were rounded up and questioned. If they failed to give information leading to the arrest of the people responsible for the act, then the cattle, goats, sheep, even crops, bicycles, wheelbarrows and other property of the entire community were seized. Here are some examples of communal punishment: Jack Woddis writes:

Such was the case at Olenguruone in Kenya, towards the end of 1949, when, in the half-light of an early dawn, a squad of armed police, commanded by European officers, descended on the 11,800 men, women and children of Olenguruone, and threw them out of their huts, which they burned to the ground. Crops and food stocks were destroyed, and livestock numbering 1,600 head of cattle and nearly 9,000 goats were confiscated.²⁹

And on November 17, 1951 "over two hundred police and mercenaries arrived in Engare-Nanyuki, they set fire to the people's homes, burned their crops and drove away their cattle."³⁰

²⁹Jack Woddis, The Roots of Revolt (London: Lawrence and Wishart, 1960), p. 14.

³⁰Ibid., p. 15.

November 10, 1952 all livestock within eight square miles in the Thegenge location were rounded up by police and troops; 3,775 head of cattle, and 6,095 sheep and goats were taken to Nyeri. This followed the lynching of Senior Chief Nderi.³¹

Again, on February 1, 1953:

300 cattle and 800 sheep were rounded up at Mataara and Marianini in the Gatundu area of Kiambu on the ground that the people were withholding information about the abduction of two elders.³²

These confiscations led to more embittered young and old men running off into the forest either to hide or to prepare and organize themselves for direct confrontation with the colonial government. The British eventually sought to contain the revolt by adopting a new agricultural policy in Kenya.

C. The Swynnerton Land Development Plan (Report):

In the wake of 'Mau Mau' the colonial government began to give serious consideration to new agricultural policy. As a result, in 1954 a new African Agricultural development plan (otherwise known as Swynnerton Plan) was created as a five-year-plan. While the purpose of the plan

³¹East African Standard, November 11, 1952.

³²Kenya Report, 1st Edition (Published in London, 1954).

was not to deal with the demands made by the 'Mau Mau' insurgents, it was no doubt hoped such a policy would alleviate the African land grievances. In addition, detention of thousands of Africans during the Emergency made possible the change in African land tenure which was envisaged under the Plan. For instance, the plan sought to raise the output in African areas of high potential, the consolidation of African holdings, survey and registration of such holdings, the expansion of cash crops, provision of water supplies, as well as settlement and reclamation schemes.

While the scheme would improve African agricultural potential, it was also envisaged to create a landed and a landless class. In the words of the Swynnerton Report:

Once registered, farmers will be able to buy and sell land; amongst other Africans only, and to mortgage titles to land against loans from government or other approved agency. In the past Government policy has been to maintain the tribal system of tenure so that all the people have had bits of land and to prevent the African from borrowing money against the security of his land. The result is that there is no agricultural indebtedness by Africans to the other races. In future, if these recommendations are accepted, former Government policy will be reversed and able, energetic or rich Africans will be able to acquire more land and bad or poor farmers less, creating a landed and a landless class.

This is a normal step in the evolution of a country.³³

The Report noted the following economic benefits which would accrue from the Plan:

Survey of holdings will be necessary both for planning lay-out and development and for the registration of titles of land. From this follows the need to provide the African farmer with an increased agricultural and veterinary advisory service which will help him to plan his farming, to grow cash crops and to improve the management of his livestock. This intensified farming will yield a number of advantages. In appropriate areas surplus food production will be increased to feed urban populations, employed labour and for export. A number of substantial and financially valuable cash crop industries will be developed. The output of stock products will be increased. Just as the Kipsigis tribe in Kericho now employ large numbers of Luo labourers, so will this farming development provide substantial employment for African labour. The wealth engendered will create employment for large numbers of people in derivative occupations. Just as the Chagga on Kilimanjaro have utilized their income from coffee to import for slaughter large numbers of cattle from the pastoral tribes of Tanganyika, so will there be created a large market for slaughter stock, helping to draw off surplus cattle from the semi-arid pastoral areas for which it is hard to find outlets at present.³⁴

33Colony & Protectorate of Kenya, A Plan to Intensify the Development of African Agriculture in Kenya, by R. J. M. Swynnerton, O.B.E., M.C. (Nairobi: Govt. Printer, 1955), pp. 9-10.

³⁴Ibid., p. 10.

Although the Swynnerton Plan did not seek to alter the ownership of the Highlands, it marked the first bold step in the development of African agriculture. In other words, unlike the earlier policies which restricted African and European competition in the production of cash crops (with Africans being only a source of cheap labor for white farmers) the new plan sought to make them compete with white farmers, and also make them self-supporting. The plan laid down a fifteen-year cash crop planning program based upon three phases by which a given acreage had to be planted up, each year five-year phase being planned accordingly:

TABLE 12

PHASED DEVELOPMENT OF CASH CROPS³⁵

Crops	<u>Acres</u> 1953	<u>Acres</u> 1958	<u>Acres</u> 1963	<u>Acres</u> 1968
Coffee	4,000	18,000	43,000	17,500
Pyrethrum	1,300	12,000	30,000	48,000
Tea	35	2,000	6,000	12,000
Pineapples	3,000	10,000	18,000	25,000
Sugarcane	200	10,000	25,000	45,000

³⁵Ibid., p. 15.

The World Bank Mission of Kenya in 1963 also reiterated Swynnerton's capitalist theory of creating a few African landlords through funnelling of funds, who, in the event, would be used as a shield against any demand for European Agricultural disintegration. The Mission's intention was vividly demonstrated when it said that it would prefer to see more assistance given to these few landed Africans as "experienced farmers with substantial capital"³⁶, rather than those without.

While the issue of the Highlands was not negotiable at this stage, it became so five years later, primarily as a result of political agitation for Kenya's independence. As the British Information Service Report observed:

Towards the end of 1959 a new land policy was introduced by the Kenya Government, designed to ensure that the basis of tenure and management of agricultural land would in future be similar throughout Kenya 'regardless of race or tribe, so far as local economic and agronomic factors will permit'. Henceforward land transactions in all parts of the country would be judged only on grounds of sound agricultural policy and the economic use of land. A new system of controlling land transactions was introduced, and the Highlands Board was replaced

³⁶World Bank Mission Report, The Economic Development of Kenya, 1963, p. 83.

by a Central Land Advisory Board responsible for advising the Governor on over-all land policy.³⁷

D. Impact of the Swynnerton Plan on the African Lands and the Highlands:

The Plan introduced an individualization of land ownership through registration, thus altered the African traditional communal land tenure. This individualization authorized one to buy or sell land as one wished. More than that, the scheme introduced during the height of the 'Mau Mau' Emergency did not allow the Africans to voice their opinion on the project. Those who dared to oppose the scheme received lesser land than those who either cooperated with the government or simply kept quiet. Those who strongly refused to accept the scheme were forced out of their land and were reallocated in a remote area far away from their original locality.

Authority over land by clans and communities began to disintegrate as a result of communal land ownership and management was shifted. Moreover, those who had no 'agricultural skill' or money with which to pay the government

³⁷British Information Services Bulletin, KENYA, I.D. 1475, September, 1963, p. 11.

for surveying and registration expense received little or no consideration. Those absent (e.g. detainees, prisoners, or those in the forest) were automatically disqualified by the government for land, and, as it happened, their land was confiscated and either given away to the 'loyalists' or became 'government property'. Odinga observes:

Treachery was well rewarded. The government used the Emergency years to force land consolidation in the Kikuyu reserves. With one and the same re-allocation of land holdings the government bought collaborators and wreaked vengeance on the leaders and patriots who were fighting in the forests or detained in the camps. Agricultural policy was made to serve the political ends of the government and the punishment doled out to the men forcibly absent from the reserves during the Emergency continued to be exacted in the period after that. The government's agricultural officers who worked the land consolidation programme managed to put it through only because the leaders were locked up and the people were unable to resist it. The government ignored the blatant fact that if land consolidation were done at a time when great numbers of the people were forcibly absent, many would be permanently dispossessed or, at best, allocated the worst land even when the country returned to normal. This is exactly what happened. The men in the prisons and detention camps were unable to present their cases before the land consolidation committees. These committees were composed of loyalists and home guards who were bitter enemies of the detainees and took advantage of their absence. When the doors of the prisons and the camps were opened, seven, eight, and nine years later after the imposition of Emergency rule, men who had once owned land and been prosperous farmers were destitute. Freedom-fighters had lost their land to

collaborators and 'good boys'.³⁸

Although the Plan 'aimed at raising' the surplus output of 6,000 families from L 10 or so per annum to L100 or more apiece³⁹, nonetheless, it had its shortcomings:

1. the architects of the Plan sought to divert the attention of those who were seeking a reform in the Highlands by concentrating instead on the consolidation and registration of 'fragmented' African 'Reserves', which would, in turn, safeguard the European holdings in the Highlands. In other words, the creation of an African landed class in the 'Reserves' vis-a-vis European landlords in the Highlands would contain the African demand for the Highlands;
2. Since most of the activities of Highland reform were fighting and others were in hiding, detention, and prisons (or killed by the government forces), it was envisaged that those present and loyal to the colonial government, upon receiving individual titles to land, would form a viable force against anyone who would or might eventually try to challenge their right to land ownership. Pedraza summarises the adverse consequences of the Plan in so far as:
 - a. it consolidated widely separated fragments into one holding;
 - b. The issue of individual titles, which are necessary to give security from litigation, did, in fact, also abolish the authority of clan elders over land, as well as the

³⁸Oginga Odinga, op. cit., pp. 125-126.

³⁹Swynnerton Plan, p. 62.

abolition of boundaries (or frontiers) between different clan areas, where the requirement of consolidation made this desirable.

- c. Prohibition of sub-division of land through inheritance below what is considered to be an economical holding.⁴⁰

Philosophical Interpretation of the Swynnerton Plan:

Undoubtedly the Swynnerton Plan was designed to introduce to the Africans a sense of individual ownership of not only land, but all that pertains to life, as opposed to communal or family cohesiveness. With this philosophy of life, the Europeans' objective was to crystallize their continued grip of the Highlands and to placate their continued claim of same. Carey Jones offers this observation:

The Swynnerton Plan implied a complete change in the basis of the economy and the disappearance of the idea that everyone must, or can, have some land. It implied a landed and a landless class....It further implied that the landless would live (and not merely earn money) by employment....By creating individual land ownership the plan produced a situation in which it was expected that this would happen naturally in the course of time, as those who were not 'real farmers' sold their land to those who were.⁴¹

⁴⁰G. J. W. Pedraza, "Land Consolidation in Kikuyu Area of Kenya", Journal of African Administration, Vol. 8, 1956, 82-88.

⁴¹N. S. Carey Jones, The Anatomy of Uhuru (New York: Frederick A. Praeger, Publishers, 1966), pp. 54-55.

He continues:

There were dangers in the plan. The idea of a landless would not readily be accepted, even though the reality was already in being. The rigidity introduced into the actuality of landed and landless by the registration of titles would cause tensions. The success of the plan depended on continued, rapid, economic advance in the country in both agriculture and industry, so that the landless could be mopped up in other employment while the government was laying its plans for a new social security system. Firm administration and the maintenance of order were essential during the transition period while the new situation was gaining acceptance....If order could be maintained during this period then the new situation would become the accepted mode of things and force would no longer be necessary. The country would have been set on a new course. When a sailing ship changes course there is a period when absolute discipline is required. When the new course is set, and everything has settled in its proper place, the captain and crew can relax....Virtually the plan required a continuance of colonial administration if its fruits were to be garnered.⁴²

As to the philosophy of the Plan and its effect on the social structure of the Africans, Carey Jones said:

The Swynnerton Plan set out to bring together the interests of the country and the self interest of the individual....The principle of the individual land-ownership, brought into being a given point in time cut across tribal traditions. The tribe could no longer pretend to shoulder its responsibilities for finding land for its members....The introduction of the new class structure did not reflect traditional class structures and traditions. Africans--

⁴²Ibid., pp. 55-56.

found themselves more sharply divided and bewildered. Not only were there landed and landless. The former included the progressive farmer who had fully adopted the new ways and was rapidly making himself part of the economy and becoming 'rich'. It also included those who were still thinking in terms of traditional agriculture although anxious to secure their own land titles. The landless were driven back on to traditional ways that gave no comfort and they had found, in the Mau Mau, that tradition did not support them. Having failed to secure their end in the distortion of tradition, they began to look to independence to solve their problems and to an African government under which they would find new land for subsistence agriculture on the European farms. They transferred the land-finding function to the tribe to an independent African government.⁴³

Summary:

In this chapter, we established that socio-economic and political conditions foisted on the African people, and the failure on the part of colonial authorities to correct them, gave rise to Africans' resistance. Because of the loss of their land, and the kind of life they had been forced to adopt, a revolt against these injustices was blatant and inevitable. The Africans were convinced that it was sheer conspiracy on the part of the Europeans to make Africans what they were.

In 1952, the Africans finally rose up against the British colonialists. This came to be known as the 'Mau

⁴³Carey Jones, op. cit., pp. 57-58.

Mau rebellion. This struggle was directed against colonial oppression in general, and land alienation in particular.

A state of emergency was declared on October 20, 1952. All top African leaders of the Kenya African Union, headed by Jomo Kenyatta, Bildad Kaggia, Fred Kubai, Ramogi Achieng Oneko, Paul Ngei and Kungu Karumba -- these men were tried and imprisoned for seven years' hard labor. Other Africans took refuge in the forests and mountains, where they organized guerrilla detachments. The war lasted for almost four and a half years. We also noted that early in August, 1952, some European settlers demanded the liquidation or neutralization of some African politicians.

The Swynnerton Land Development Plan was introduced in 1954 (named after its drafter doctrinaire, R. J. M. Swynnerton). Although the Swynnerton Plan mentioned for the first time the colonial government's concern to intensify the development of African agriculture in the so-called 'African Reserves, however, our analysis of the Plan nullifies this concern.

The Plan condoned continued Europeans' presence in the Highlands, and Africans' landlessness and poverty in perpetuity.

CHAPTER V

LAND POLICY: LAND CONSOLIDATION AND REGISTRATION FROM 1954 TO 1960

A. Land Ownership:

The 1954 agricultural census revealed that more than half the European commercial farms (about 1,600) averaged between 500 and 2,000 acres, and many settlers had more than one farm of enormous size. In that same year, there were 762 farms of over 2,000 acres and these included ranches and only partially-developed land. The remaining farms were on a much smaller scale -- 477 between 200 and 500 acres each, and 462 under 200 acres each.¹

The 1954 census also drew light on the nature of the cultivated and un-cultivated land in the Highlands. More than 46 per cent was classified as 'agriculturally unproductive' and 44 per cent was used only for grazing, which means, therefore, that only 10 per cent was used for crops. Of the land classified as 'agriculturally unproductive' 24 per cent was forest, 11 per cent under-developed or unused, and 11 per cent was classified as 'waste, buildings, etc.' Of the 3,163 cultivated holdings in the settled area 527 were plantations and 316 were

¹Agricultural Census - European Large-Scale Farms, 1954.

ranches. All these were European owned, and were excluded from Maudling's one-million-acre scheme. (This is described in Chapter 8). It should be noted also, that these European-owned cultivated holdings, 351 were producing coffee, 60 producing tea, 43 producing sisal, 38 producing wattle, and 35 producing sugar. The remainder (nearly three million acres) were mixed-farming land -- a third of which the British Government proposed to be purchased at exorbitant prices for the purpose of settling subsistence peasants.

B. Governor's Speech in Legislative Council on Land Consolidation and Registration in African Areas as a New Government Policy:

On October 23, 1957, Sir Evelyn Baring, Governor of Kenya during his address to the Legislative Council said, inter alia:

In the African areas of good rainfall the consolidation of holdings and the expansion of cash crops will be continued, and special attention will be paid to the development of holdings on sound farming principles, including methods of animal husbandry adapted to such holdings.

The progress of land consolidation in the Kikuyu areas continues to be most encouraging and the newly established land registries are operating smoothly....Preliminary drafts of

Bills covering the process of adjudication and registration are providing the machinery for land transactions after registration have been prepared by a Working Party which I appointed earlier this year and are now being examined by Government.

In the Central Nyanza District, where agricultural improvement is very necessary, small pilot schemes are making some progress, albeit slowly. My Government has no intention here, or elsewhere, of imposing land consolidation. We hope, however, that as the peoples come to know more of its nature and of its benefits, they themselves will demand increasingly active measures. We are confident that with greater knowledge, doubts and misconceptions which are now current will be removed.

From the agricultural point of view land consolidation is, I need hardly say, no more than a means to an end -- good husbandry and a rise in the standard of living....²

The African Members did not accept the Governor's views.

Their opposition was vividly expressed on October 30, 1957 when they gave the following reply:

Mr. Mate -- Member for Central Province:

...Tied up with land consolidation in general is the problem of the landless people and the unemployed. It is a fact, Sir, that generally in the Central Province and especially in some of the districts the question of land shortage is a real problem, and also unemployment. Land consolidation is going to make it more acute in that if, in a family where they all need to come together one of the members of the family

²Colony & Protectorate of Kenya, Official Report - Debated, October 23, 1957.

is, by agreement, left to farm a piece of land, and others may not be able to farm it. So he will be employed. The land available is by far much less compared to the population....³

On May 29, 1957 Mr. Mate elaborated on the consolidation issue when he said:

The idea of consolidation and putting together pieces of land means interfering with the tradition and the native law and custom....The father knew how to distribute the land to his sons according to custom. That was always clear. But what do we find today?....What happens when the father wants to give land to his son who has now grown up. We are told that we cannot divide the land up again. Now this creates a psychological position in the African mind which the Government cannot afford to overlook at the same time it creates the other problem of individual ownership as opposed to communal ownership....Land consolidation is not a panacea for all agricultural development and I maintain, very sincerely that the idea of the ownership of land and change of title of land should be gone into very, very carefully and when it comes to the idea of registering land, Government should be very careful to look into the customs of the people.⁴

Masinde Muliro, M.L.C. (Nyanza North): had this to say on November 14, 1957:

...As far as land consolidation is concerned, we (African Members of the Legislative Council) have said that there should be no direct or indirect forcing the people to consolidate their

³Colony & Protectorate of Kenya -Official Report Debates, October 30, 1957.

⁴Colony & Protectorate of Kenya, Official Report, Debates, May 29, 1957.

land. However good the change may be, the people must have a changed attitude towards that change...some administrators probably or agricultural instructors, very eager, wanting to get promotion, Mr. Speaker, use certain language...in Central Province they say: "If you don't consolidate your land, you're Mau Mau", in my own locality, people are very afraid of the word "Msambwa"...and now they are told "If you don't consolidate your land, then you belong to the 'Dini ya Msambwa'.⁵

The urgency applied in implementing land consolidation took precedence over other considerations. Complaining about this precedency, Dr. J. Kiano, M.L.C. (Central Province South) remarked on May 29, 1958:

"The second rule of common sense and good administration is that in the carrying out of the policy of land consolidation, a just and equitable distribution and allocation of the land holding must override considerations of speed and quick completion of the programme, even though the two are not mutually exclusive. In other words... that at times there has been an over emphasis on the speed with which the programme is carried out, and a desire to finish it quickly, even if that, at times, must be at the expense of an equitable distribution and allocation of the land."⁶

It is amusing that Sir Michael Blundell, who for years was a diehard supporter of land consolidation, all of a

⁵Colony & Protectorate of Kenya, Official Report - Debates, November 14, 1957.

⁶Colony & Protectorate of Kenya, Official Report - Debates, May 29, 1958.

sudden points out its consequential deficiency of creating few landlords among the landless masses. This happened in the Kenya Legislative Council on November 11, 1959 when he said:

We are moving into a new age in this country and it seems largely for a matter to which the Governor referred -- Land Consolidation. That Land Consolidation is a process which I vigorously supported when I was the Minister for Agriculture. Without it we cannot raise the economy and development of this country but it brings with it consequential problems which, I believe, the Government must address herself to with vigour and energy, especially amongst the Africans. We must remember that the moment we indulge in the physical act of land consolidation and issue title deeds a landless class is created. With that landless class the traditional security to which they have been accustomed has gone and we are faced with the problem of unemployment.⁷

It is no secret that European farmers in conjunction with the colonial Government introduced the intangible concept of land consolidation and registration in order to contain firmly the Africans' old demand for the re-possession of their Highlands. Once most Africans were apportioned a piece of land to cultivate in their old

⁷Colony & Protectorate of Kenya: Official Report -- Sir Michael Blundell - "Speech from the Chair", Kenya Legislative Council, November 11, 1959, p. 89.

"Reserve" and a narrow strip in the Highland periphery and supported with mediocre loans from the European controlled financial institutions, their quest for the remainder of the Highlands could diminish. This idea was perhaps made clearer by Mr. Oginga Odinga in his speech in the Legislative Council on November 12, 1959 during which he said, inter alia:

I know the Government is trying things like land consolidation in the hope that when the land has already been consolidated and everyone has got their piece those people who have got their land will be satisfied with what they have got.⁸

Mr. Odinga then warned:

...But despite all these things, a man must eat. He must eat. Wherever you take him he must feed himself. You might succeed at the very beginning to keep him where he is for a certain time, but the time is coming when you cannot. It is like the water which comes from the top of the hill. If you put a stop to it you can stop it for a certain while, but when it gathers force whatever you do it will break through and find its own course right down to the deep sea. And therefore, these restrictions and suppressive measures will not help. They will only be temporary, but they cannot help.⁹

⁸Oginga Odinga, "Speech from Chair", Kenya Legislative Council, November 12, 1959, pp. 127-128.

⁹Ibid.

Only history will tell this country and the whole world that the Government made a serious mistake in introducing land consolidation... because it was introduced during the Emergency when their (Africans) free expression of opinions was not actually allowed, and they were forced to take part. Now we have K.K.M. (Kiama Kia Muimgi = Council of the Masses) and it is accused of being just another evil society, another Mau Mau; yet I am told it is the movement against land consolidation secretly....I want to say that the land question is the crux of all troubles in Kenya. The Kikuyu, even those who made trouble during Mau Mau, made it because of the question of land. When they died, I said here last year, some of them took soil and they ate it, saying, "I am dying because of the soil."¹⁰

While moving the motion, Kiano called for appointment of 'Land Consolidation Committee' to look into alleged African grievances about land consolidation. And although Kiano stressed that he was not particularly opposed to land consolidation per se, he was, however, opposed to "the way and methods in which the policy of land consolidation is carried out."¹¹ For land consolidation to be a successful land reform in African areas, Kiano

¹⁰Kenya Legislative Council Debates, May 29, 1958,
p. 1155.

¹¹ibid., p. 1129.

laid down what he called some 'five rules of common sense and good administration'. These were:

1. that the programme must be voluntarily accepted, that the programme must be gladly welcomed by the majority of the people;
2. that in the carrying out of the policy of land consolidation, a just and equitable distribution and allocation of the land holding must override considerations of speed and quick completion of the programme, even though the two are not mutually exclusive;
3. that disinterested and quasi-judicial bodies must at all times be the final authority in these matters, and that demarcation shall not take place when serious disputes are not fully settled;
4. there have been criticisms that decisions previously given by judicial bodies are altered. If we want the programme to be successful, we must emphasize that decisions previously given by judicial bodies should not be altered unless a clear case of violating the principles of equity and of fairness can be proved;
5. that land units already in one consolidated form should not be separated or seriously altered as far as boundaries are concerned, unless this is definitely unavoidable.¹²

At the end of the Debate, the above criteria as well as the call for the Land Consolidation Committee were

¹²Kenya Legislative Council, Debates, May 29, 1958, p. 1131.

"negated by 44 votes to 17"¹³ (mainly by the European and Asian Members of the Legislature who constituted a majority); and this rejection was later upheld by the Colonial Government.

C. Political Situation During the Transition Period:

By 1960, the political temperature in Kenya -- and indeed in Africa as a whole -- took a drastic turn from European domination to the Africans' agitation for ultimate take over. This 'whirlwind' (as Dr. Kwame Nkrumah called it) culminated when the new Secretary of State for the Colonies, Ian Macleod conceding to the Africans' demands for political change called for a conference on Kenya at the Lancaster House in London between the months of January and March, 1960, to consider the next stage of constitutional advance. While this was going on, Britain's Prime Minister Harold MacMillan was adding more fuel to the already inevitable storm when, while in South Africa, after a brief stop in Ghana, he talked about the 'winds of change' blowing across the continent of Africa. These further announcements, made about the same time concerned (a) the British Government's decision to end the state of

¹³Ibid., p. 1169.

emergency which had been in force since October 20, 1952; (b) re-examination of the 'treaty' in respect to the coastal strip, and (c) its decision to end racial barriers of land ownership throughout Kenya -- with special emphasis to the Highlands.

The second conference on Kenya took place early in February 1962 which set Internal Self-government for Kenya on June 1, 1963. Full political independence was proclaimed on December 12, 1963. Transition period, therefore, refers to this particular period.

Politically by 1960, it was becoming increasingly inevitable that Jomo Kenyatta who had been imprisoned by the colonial authorities would soon be released, and, certainly, would once again take charge of the African political drive for independence. This indication emerged especially following the first Lancaster House conference as already mentioned above and Oginga Odinga's consistency both within and without the Legislative Council that Kenyatta was the only leader and therefore, must be released by the government.

Meanwhile, opposition to land consolidation and registration had constantly been voiced by the African masses including politicians -- notably Oginga Odinga --

whose constituency (Central Nyanza) had openly refused to have their land surveyed by the administration for the purpose of consolidation and registration. When this opposition intensified, the government decided not to widen the scheme through force.

Meanwhile, the 1960 constitutional conference heralded a more considerable political advance than ever before; for it introduced for the first time a majority of elected members in the legislature and a majority of ministers drawn from the non-official members of the legislature. More importantly, it provided for a lowering of the franchise qualifications and the introduction of common roll elections, although it fell short of full adult suffrage since it still reserved a certain number of ministerial posts and of elected seats for each of the non-African communities.

Under the above constitution, the new Council of Ministers consisted of 12 ministers, of whom 4 were officials and 8 unofficials (4 Africans, 3 Europeans and 1 Asian) with an Arab representative granted the right of attendance. The new Legislative Council had 65 elected members, comprising 53 directly elected on a common roll and 12 'special' members elected by the 53 elected members

who formed an electoral college. Of the 53 common-roll seats, 10 were reserved for Europeans, 8 for Asians and 2 for Arabs. The 12 specially elected members comprised 4 Africans, 4 Europeans, 2 Asian non-Moslems, 1 Asian Moslem and 1 Arab -- with the Governor having the right to endorse or reject applications for the 12 'special' seats.

Following this conference, elections were held in February, 1961. The Kenya African National Union (K.A.N.U.) outpolled the Kenya African Democratic Union (K.A.D.U.) by 67 per cent of the votes cast against 16 per cent for K.A.D.U. However, K.A.N.U. declined to accept office unless Jomo Kenyatta was released unconditionally from restriction. During the election campaign, every K.A.N.U. party candidate undertook to sign the following pledge:

If elected I promise to abide by the Governing Council decision that (a) Kenyatta, being the leader of our party and the father of our nationalism, must be the first Chief Minister or Prime Minister. No KANU member under pressure direct or indirect shall accept appointment to such a post and (b) in the event of Kenyatta not being released before the elections all KANU candidates individually and collectively undertake to give up any such seat as will be decided and to cause a by-election wherein Kenyatta would be returned to the Legislative Council to lead KANU and head the first government.¹⁴

¹⁴Oginga Odinga, op. cit., pp. 203-204.

Because of the KANU's refusal to head the formation of a coalition government, the Governor invited R. G. Ngala, leader of KADU to form a coalition government which he and the party agreed and Ngala became 'Leader of Government Business'.

Uncertainties and fears by European farmers -- and Asian businessmen under an African majority government were already being expressed. Consequently, the need to reach some firm agreement with the British Government about future policy was urgently demanded by these groups; and, as a result, the Secretary of State for the Colonies announced once again that the second conference would be held in London in February 1962, to discuss the constitutional framework for Kenya's advance through internal self-government.

In August, 1961, Kenyatta was released from Maralal just in time to get ready to attend the said conference (if conditions permitted him). He did attend despite continued settlers' objections, however. Prior to his release, the government undertook to build for him a house more or less as an appeasement to him for his house which the colonial government had demolished immediately following his arrest on October 20, 1952.

On the day of his release, and immediately after word of it, lots of 'kickback' (or bribe) in the form of gifts were presented to the Old man. Europeans and Asians alike were busy competing for one kind of favor or another. For instance, Asians hurriedly stocked Mzee's house with the best furniture including an enormous television set and a radiogram (although the government had already appropriated a budget for this purpose). Some white settlers offered some land, livestock and implements, the American Embassy, not wishing to be left out of the 'friendly' roster, gave Mzee a brand new Lincoln Continental automobile. Africans also crowded Mzee's residence with presents, including animals. It is fair to suggest that these people's presents were for the most part genuine, although it is equally true that some of them -- especially former loyalists to the colonial government, especially during the Emergency years wished Mzee at this time to reckon them as part of the 'good Africans'.

For some weeks Mzee declined to join either K.A.N.U. or K.A.D.U., and when he finally announced his decision to join K.A.N.U., the rift between the two parties widened sharply.

Time was now opportune for the settlers to smear its campaign about 'tribal' animosity. The European settler, meanwhile, advised K.A.D.U. to demand from British Government a decentralized form of government based upon regional constitution in the independent Kenya -- with each region having its own legislature, police and the power to control their ethnic land. The cry for "Regionalism" or "Majimbo" all of a sudden became the most important political issue then; meanwhile European settlers were busy recruiting a few African 'young landlords'. Some of the African politicians (especially the influential ones) mysteriously became unscrupulously wealthy¹⁵ probably as a result of some funds which were privately subscribed by both European and Asian lukewarms. N. S. Carey Jones, for instance noted:

The seeds of division within the post-independence African leadership were securely planted and well watered with golden showers. The different vassals were given the power to

¹⁵The 'new African' being a victim of 'colonial psychosis' today demonstrates his 'wealth' by buying one or two of Germany's most famous Mercedes Benz automobile. Today this group of Africans has been nicknamed the 'WABENZI "TRIBE"' or 'JAGUAR TRIBE' or 'BINTO'.

buy support and divide counsel. The natural forces making for division were sufficient, without this reinforcement, to make unity difficult. The effect was likely to paralyze a sane appreciation of problems.¹⁶

The European architects of 'Regionalism' were themselves fearful of what they called 'African tribal sphere of influence' meaning in essence that the most populous ethnic group which for long had suffered from shortage of land -- (especially the Gikuyu and the Masai) -- would dominate the other ethnic groups. European settlers were apparently aware that unemployment and the demand for land had been increasing among these people. The European settlers pretended to be concerned with the interests of the smaller ethnic groups but actually they feared that at independence the Africans would simply move into the European farms, make their farming impossible, and effectively drive the Europeans out. By this time the lesson of the Zaire (then Congo) was available. The Gikuyu were hated by the European settlers not merely because they were in the majority; but because most of them were the ones who

¹⁶N. S. Carey Jones, The Anatomy of Uhuru (New York: Frederick A. Praeger, Publishers, 1966), p. 143.

actually had put up a strong fight for the liberation of the land or 'Mau Mau'. The settlers were able to equate 'British sphere of influence' with 'tribal sphere of influence'. A serious campaign was launched to seek division among Africans, and even to hope for civil war among ethnic groups as a tactic to force Britain to delay independence.

Negotiations at the second constitutional conference proved the longest ever in the British constitutional conference history. The conference began on February 12, 1962, and did not end until May that year. The principal obstacle of the conference was K.A.D.U.'s insistence -- with the European settlers' blessing -- that unless a regional form of constitution was introduced, independence would have to be delayed, or that the country would have a civil war. For instance, William Murgor, a member from Kelenjin said during a political rally in Eldoret that if 'Majimbo' (Regionalism) were not introduced in Kenya he would "sound a whistle to my people declaring civil war"¹⁷. K.A.D.U.'s general secretary

¹⁷Odinga, op. cit., p. 227.

Martin Shikuku spoke in the same vein as Dr. K. A. Busia did when he said that Africans in Kenya were not ready for independence and "threatened that his party would do without independence for another ten years if it did not get its way over regionalism".¹⁸ And "throughout the talks KADU maintained this obduracy"¹⁹.

According to the constitution resulting from this conference, five commissions were set up immediately: a Regional Boundaries Commission, a Constituencies Delimitation Commission, a Fiscal Commission, an Economy Commission, and a Commission of inquiry to ascertain public opinion in the Northern Frontier District regarding its future.

Small as Kenya is (224,000 square miles with a population of approximately 8 million (1960 census), the country was inconveniently fragmented in the following manner:

There was to be a two-chamber parliament; six regions derived power from the constitution, not from central government; the regions were to have their own legislators, administration,

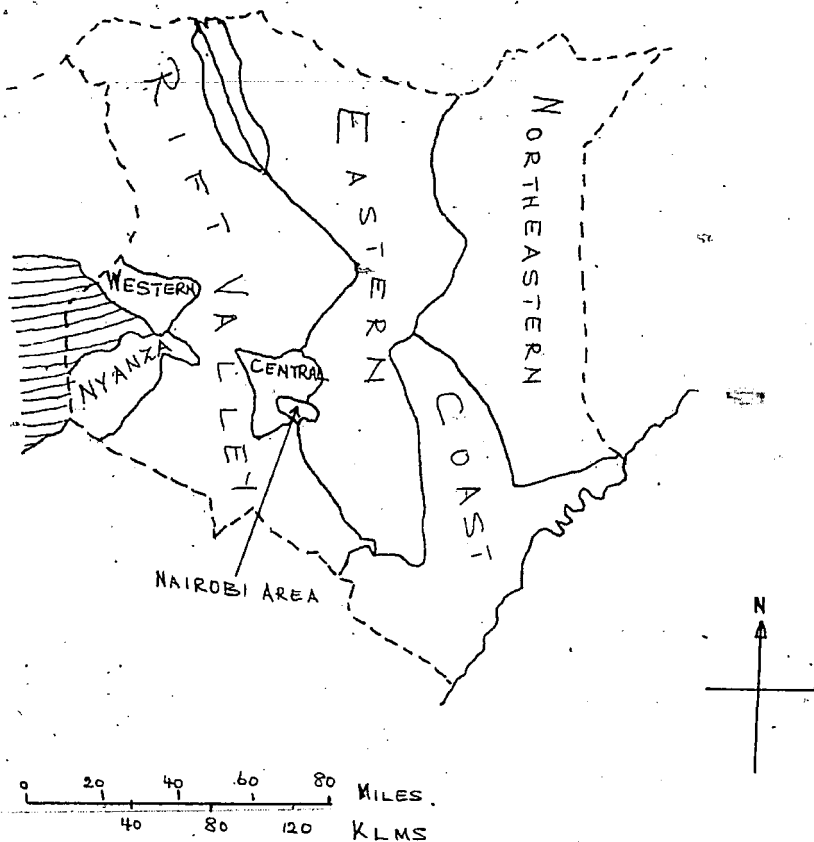
¹⁸Ibid., p. 238.

¹⁹Ibid.

financial and executive powers, and control over land and police. All Crown lands and trust lands came under the regional authorities. Scheduled land (including the Highlands) came under a special central land board, but this board was composed of six regional nominees, and only one from the central government, plus an independent chairman. Constitutional amendments required 75 per cent and in some cases 90 per cent of the vote in each of the two Houses.²⁰

²⁰Odinga, op. cit., p. 230. (See also Jacob Oser, Promoting Economic Development with Illustrations from Kenya (Evanston: Northwestern University Press, 1967), pp. 164-165.)

MAP SHOWING KENYA'S NEW REGIONAL BOUNDARIES



The Regional Boundaries Commission squeezed out the Gikuyu into a tiny 'region' as the above diagram/map illustrates. But the danger arising from landlessness and unemployment could not be overcome merely by regional demarcation.

Meanwhile, European farmers, anxious about what the future would provide for them, ceased to run their farms as they had in the past. Indeed it became quite clear that whatever profit they got from the farms was sent abroad. The first consequence was a drastic fall in employment, particularly on these farms. Some people drifted into towns where congestion increased severely. Those who had been working for European farmers for several years and had their lives conditioned to farming on those particular farms, refused to move or be moved to their new regions because the new regional boundaries meant that all settlement schemes were intended for a particular ethnic group, and, therefore, any other schemes could not accommodate any other person from outside the region no matter how destitute or landless one was, and also regardless of whether or not the region or the scheme was over-crowded or under-settled.

More than that, the country as a whole had not been

evenly developed throughout the colonial period (both economically and educationally). This policy meant, that those regions with more educational and economic endowment could not take in or help those more destitute.

Meanwhile, land consolidation and registration, especially in the Gikuyu districts of the 'Central Region' was stepped up. People were now being vigorously introduced to land sale as opposed to their traditional distribution or inheritance of it. Those who did not cope quickly with the changing trend were caught up in the sea of misery. European settlers argued that free distribution of the European farms would mean "a return of these lands to subsistence agriculture, the destruction of the economy and the disappearance of any hope of providing for Kenya's growing population".²¹

The lesson of the Congo (now Zaire) induced the settler government to launch a new 'peasant' scheme, immediately following the first Lancaster Conference in 1960. This settlement scheme, was intended to cover approximately 180,000 acres of mixed-farming lands in the Highlands' 3,000,000 acre periphery, (out of a total of

²¹Carey Jones, op. cit., p. 140.

approximately 7.8 million acres of the entire Highlands). Thus the Swynnerton Plan was being expanded and 'land reform' was indeed underway.

Next, another scheme called 'Yeoman' was soon to follow (this and others will be described later). The coalition government -- of which European settlers were in the majority -- was thus trying desperately to "satisfy African land hunger" writes Carey Jones, "but at the same time to maintain the European economy"²².

Despite this effort, the schemes were in serious jeopardy because of many reasons. For instance, European settlers who decided to sell their idle farms to the gov-ernment for this purpose demanded more money than had originally been agreed on. Also the government's policy required that the new African applicants for settlement have "a reasonable amount of money, and agricultural know-how" before they could be enrolled in the schemes -- \$30 per acre.

By 1961 the situation was rapidly deteriorating almost to the point of total disaster -- especially when the Africans showed that they did not have the required funds,

²²Ibid., p. 152 (the italics are the author's).

and the number of landless and unemployed was soaring due to the continued release of ex-Mau Mau detainees and prisoners. As a result, the government decided to initiate meager assistance programs (these too will be described in detail later). Because the 'Yeomen' scheme had accommodated only the so-called 'influential' local Africans, most of whom were both national as well as petty or local 'leaders', it soon became apparent that they too (at least many of them) did not have the necessary financial capability of meeting the L500 required working capital. (See for instance, Chapter Three regarding income disparity in Kenya during colonial times and even post-Uhuru period).

Meanwhile, the number of returning detainees and political prisoners continued to grow at an enormous rate. All of them were destitute in perpetuity since their land had been confiscated by the colonial administration during the Emergency, and had been redistributed to the so-called 'loyalists' under the consolidation and registration program.

By this time opposition to the government's land policy was mounting almost throughout the country. The government, in desperation approached some African leaders --

especially among the Gikuyu -- and asked them to persuade the landless Africans not to 'occupy' European farms and, also, to inform these people that the schemes being introduced by the government would be completed in two or three years instead of five years as had hitherto been planned.

Because of personal rivalries and desire for power and popular favor, many of these leaders all of a sudden, became the 'advocatus diaboli' (devil's advocates). They started campaigning for the acceptance of the schemes and registration of land titles. M.P.K. Sorrenson observes:

Since 1960 the K.A.N.U. leadership has taken an increasingly firm stand in support of consolidation and registration...that the real struggle between the Kikuyu leaders and the officials was over power, not over the merits of agrarian reform. So long as the Kikuyu politicians were excluded from power they used every device at hand to attack the government but as the power conflict was gradually resolved they came to accept the agrarian policies of the existing government as their own.²³

²³M.P.K. Sorrenson, Land Reform in the Kikuyu Country: A Study in Government Policy (Nairobi: Oxford University Press, 1967), p. 249.

He continues:

No landowner who had gone to the trouble and expense of building a new home, planting boundary hedges, breaking up the soil and planting new crops (even subsistence crops) wanted to go through it all again. Those who lost land or who got poor land naturally remained disgruntled; but equally those who gained were happy.²⁴

When the government discovered that Africans were feeling the government's intentions, the coalition government accelerated the implementation of these schemes. European farmers then employed very intensive tactics of selling to the government some of the land close to the African 'Reserve' to be part of the schemes. The selling of this neighboring area was obviously intended to avoid mounting fear of farming close to Africans' 'dwellings'. And with this money they moved and bought some other land in the interior of the Highlands in order to avoid anticipated harassment and fear. Furthermore, some of these moving settlers tried to appease Africans by offering their services in the settlement schemes through the Department of Agriculture and Settlement. Carey Jones again writes:

²⁴Ibid., pp. 249-250.

The settlement project was particularly fortunate in having available on the spot a supply of able people, well-versed in local farming conditions, and used to administration, from whom to draw its staff....This staff came from ex-farmers and ex-farm managers. Europeans who hoped to continue living in Kenya, but whose farms had been bought and who wished to see how things went before re-investing in the country.²⁵

Africans bitterly opposed the idea of allowing ex-farmers to direct settlement schemes. To the Africans, these people's motive was understood to be directed at sabotaging their farmer's chances of taking over the land. But the government offered them no assiduity. One African is quoted as having expressed this sentiment and fear or suspicion when he said:

They must want to destroy us; if you had sold the farm that you had intended to pass on to your children ~~and~~ then had the job of putting Africans on it, wouldn't you want to destroy them?²⁶

Carey Jones justified this observation when he said:

These attacks coincided with attacks by Europeans on the schemes which seemed almost to justify the Africans' attacks...There was resentment at handing over farms to Africans...²⁷

²⁵Carey Jones, op. cit., pp. 160-161.

²⁶Ibid., p. 161.

²⁷Ibid.

He continued:

how real distress builds up into anti-European hostility. This last boiled over into resentment of the idea that Europeans who had been bought out being allowed to buy land elsewhere, and even greater resentment of the few Asians who took advantage of the opening of the European areas to buy farms. All right, if we can't, but don't let any new Europeans or Asians get them.²⁸

As the transition period moved toward independence, the land transfer scheme all of a sudden came to a standstill partly because of the rigorous policies the coalition government had initiated especially over price and compensation, and partly because of the settlers' refusal to cooperate fully with the government because of their fear of African majority rule which was now in sight.

During this time, however, wide-spread acceptance of settlement schemes, land consolidation and registration were already on the lips of many African politicians. It is this writer's conception that this acceptability came about primarily because their contact with foreign, disruptive influences was already enormous. Besides, Michael Blundell's political arithmetic of 'moderating' some African politicians appeared to have gained momentum. A few

²⁸Ibid., p. 171.

African politicians were the principal target. Jomo Kenyatta, for example, faced the exigency by being bombarded by settlers with questions and statements of anxiety. Scores of European 'advisors' followed him wherever he went. Mboya and a few others had already succumbed to the settlers' 'breakfast show', while Oginga Odinga had been labeled by the settlers as 'the most undesirable' and, therefore, had been excluded from the coalition government.

By mid 1963, Kenyatta, much like other African politicians, appeared to have already been 'conquered'. For instance, on August 12, 1963 he went to Rift Valley Province where he addressed several hundreds of European farmers and their wives in Nakuru (then as headquarter of European farmers in the Rift Valley). There he told them amid thunderous applause:

We want you to stay and farm well in this country: that is the policy of this government ...What the Government needs is experience, and I don't care where it comes from. I will take it with both hands...Continue to farm your land well, and you will get all the encouragement and protection from the government.²⁹

²⁹Jomo Kenyatta, Harambee (Nairobi: Oxford University Press, 1964), p. 109.

Meanwhile, African leaders, instead of re-examining the manner in which the settlement schemes, consolidation and registration were designed, their desire for more schemes, more consolidation and registration grew in proportion. Thus the Uhuru Government began its era with an already committed land policy to perpetuate the very policy previously worked out by the same 'enemy' whose land policy the African masses and politicians had for so long objected to and fought against.

On June 1, 1963 in view of the complexity and unworkability of the Regional constitution, Kenyatta asked Her Majesty's Government to change it, especially with respect to the powers of the regions. If this were not implemented before 'Uhuru', he intended to do so himself immediately following the attainment of independence in the same manner Dr. Kwame Nkrumah applied to Ghana's regional constitution. Accordingly the British Government, in order to avoid yet another embarrassment, agreed to comply by reducing the regional powers in October, 1963.

D. Political and Economic Conditions for 'Uhuru' (Independence):

By 1960 conditions for independence took several dimensions, namely: (1) the Highland question, (2) compensation for expatriate civil servants, and (3) "Bill of Rights".

From 1957 to 1962, the Highlands' issue was dominated by agitation for political reform in the country. On the one side there were settlers, Asians and the Colonial Office all advocating the concept of a multi-racial society based upon the partnership of all the races. On the other side were Africans who insisted on independence based on a majority government. The Africans' demand was viewed by the European settlers as a prelude to the eventual take over of the Highlands by the 'majority government'. Consequently, during the numerous conferences the settlers demanded that a special "Bill of Rights" be formulated and incorporated in the constitution as a guarantee of continued land ownership. One of the African participants at the said conference observed:

Two thorny questions went hand in hand through the protracted negotiations of the Lancaster House Conferences: the timing of self-government and independence, and the cry of compensation

for the settlers and British Civil servants.³⁰

Thus, at the close of the conference held in London in January and February, 1960, Mr. Ian Macleod, Chairman of the Conference, and Secretary for the Colonies told the delegates that:

It is the firm view of Her Majesty's Government that legal provisions are needed in the proposed constitution, which will be made by Order in Council, to provide for the judicial protection of human rights, on the lines of the provisions in the Nigeria (Constitution) Order in Council....I have asked my own Legal Adviser, Sir Kenneth Roberts -- Wray, to supervise the drafting of these provisions.

In this section of the constitution, Her Majesty's Government consider it important to include protection for property rights....Accordingly, Her Majesty's Government think it right to include provisions founded on the principle that there should be no expropriating of property except to fulfil contractual or other legal obligations upon the owner, or for purposes to the benefit of the country (due regard being paid to human needs and individual hardship, confidence and stability, and advantage to the country's economy). Full and fair compensation should be given to the owner of any property expropriated, together with the right of recourse to the Courts (including the normal channels of appeal) for the judicial determi-

³⁰Oginga Odinga, Not Yet Uhuru (New York: Hill and Wang, 1967), p. 257.

nation of his rights, and of the amount of compensation to be paid to him.³¹

The "Bill of Rights" clause embodied in the Kenya's Independence Constitution thus firmly closed the channels through which the 'majority government' would use to introduce a massive land reform. Excerpts from the Constitution's sub-heading 'PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOM OF THE INDIVIDUAL', the "Bill" noted that:

1. No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied, that is to say:
 - (a) the taking of possession or acquisition is necessary in the interests of defense, public morality, public health, town and country planning or the development or utilization of any property in such manner as to promote the public benefit; and
 - (b) provision is made by a law applicable to that taking of possession or acquisition for the prompt payment of full compensation.
2. Every person having an interest or right in or over property which is compulsorily taken possession of or whose interest in or right over property is compulsorily acquired shall have a right of direct access to the Supreme Court for:

³¹Report of the Kenya Constitutional Conference (London: Her Majesty's Stationery Office, Cmd. 960, January-February, 1960), pp. 9-10.

- (a) the determination of his interest or right, the legality of the taking possession or acquisition of the property, interest or right, and the amount of any compensation to which he is entitled; and
 - (b) the purpose of obtaining prompt payment of that compensation....;
3. The Chief Justice may make rules with respect to the practice and procedure of the Supreme Court or any other tribunal or authority in relation to the jurisdiction conferred on the Supreme Court by subsection (2) of this section or exercisable by the other tribunal or authority for the purposes of that subsection (including rules with respect to the time within which applications or appeals to the Supreme Court or applications to the other tribunal or authority may be brought).
 4. No person who is entitled to compensation under this section shall be prevented from remitting, within a reasonable time after he has received any payment of that compensation, the whole of that payment (free from any deduction, charge or tax made or levied in respect of its remission) to any country of his choice outside Kenya.³²

At this time, nearly every European farmer or civil servant was panicking. The majority of them were hardly prepared to live under an African majority government headed by Kenyatta who, during the Mau Mau Emergency, had been called by colonial governor Sir Patrick Renison as

³²Constitution of Kenya, December 12, 1963 - Kenya Gazette Supplement 105, 10th December 1963 (Legislative Supplement No. 69). Supplied by the Office of the Prime Minister, Nairobi.

being the "African leader to darkness and death". As a result, many Europeans -- farmers and civil servants alike -- wished to pack up and leave before Kenya attained her independence. Their memory of what happened to the Belgians in Lumumba's Congo following her independence on June 30, 1960 did strengthen their desire to quit Kenya immediately. But they were adamant that first they sell their farms to the highest bidder -- the incoming government (since there was no evidence that Africans -- especially the die-hard landless, had money with which to purchase land from the panicked European farmer).

Jacob Oser observes:

When it became obvious that Kenya was headed for independence, with the Africans getting the vote, and that there would be a land reform, the Europeans panicked. Many threw their farms on the market for sale. Land prices by mid-1960 fell to 40 to 50 per cent of the 1959 level and even by mid-1965 had risen only to about 85 per cent of that level. What, then, would be fair compensation for buying the European farms, with most of the buying occurring during 1962-64? Should it be determined by current market prices or pre-panic 1959 prices?

The government, as a sporting gesture to the European land-owners, paid for the land at prices that prevailed on January 1, 1959, between willing buyers and willing sellers...European professional valuers assessed each farm bought by

the government at 1959 market values. If the farmer was not content, he could take the matter up with the senior executive officer, a European, who had discretionary powers to increase valuations up to 5 per cent. Payment for the land was made in sterling or in East African currency transferrable in sterling to London.³³

The British Government proposed to the African delegates to the London Conference that the incoming government take charge of buying out the land from whoever wished to leave Kenya. The African delegates agreed to this in principle. But it was at this time quite obvious to all including the participants at the conference, that the incoming government would not have the necessary funds with which to buy out these European farmers unless they agreed to borrowing, with the lender having the right to dictate the terms of repayment. The African 'leaders' were also subdued by being convinced to concentrate on and intensify agricultural improvement in African areas by utilizing the Swynnerton Plan rather than seeking to buy out European farms. According to the 'advisors' this undertaking was hoped to be 'more reasonable and cheaper'.

³³Jacob Oser, Promoting Economic Development- with Illustrations from Kenya, p. 186.

Ironically, African 'leaders' accepted such advice which is expressed in the official statement which said:

What is now urgently needed is development, not merely land transfer....

The settlement process was inherited from the British and was designed more to aid those Europeans who wanted to leave than the Africans who received the land. Our land problem should not be settled on terms decided in the United Kingdom. Instead, our policies and plans in agriculture should be determined by our need to develop, and financial support sought for these plans from several sources. However, there have been reasons for settlement. Many European farmers wished to leave and the United Kingdom Government was willing to give grants and loans to Kenya to enable them to go. Neither of these reasons takes into consideration the present need for development in Kenya. It is unlikely that Kenya, in accepting the debt burden, has obtained economic benefits of anywhere near the amount of the debt incurred.³⁴

Thus, the Europeans knew that their trick had worked -- African 'leaders' had already been trapped. In fact many of the European farmers had not really intended to leave. This was confirmed in 1967 when it was reported that "many prospective vendors had decided to stay and continue farming in Kenya." A prominent up-country land agent noted that farmers were making good money out of

³⁴Republic of Kenya, African Socialism in Land: Its Application to Planning in Kenya (Nairobi: Govt. Printer, 1965), p. 37.

their farms and, therefore, expected higher prices than the 1959 values on which valuations are based for the Million Acre purchase programme".³⁵

The African government's acceptance of the "Bill of Rights" and agreement to buy out European land created the beginning of more problems for, at this juncture, the European expatriates in the Civil Service also demanded compensation. Noting the Africans' dilemma, the British Government proposed to grant Kenya Government a loan (otherwise known as 'independence settlement') of L60,000,000³⁶ at 6.5 per cent interest. This was broken down as follows:

Money given exceeds L36,000,000 whilst loans and services are valued at L23,000,000. Over L12,000,000 is to be spent on land settlement, L10,000,000 to assist the Kenya Civil Service in recruiting technical experts from overseas and L8,500,000 on development. Military aid is worth L10,000,000. Existing loan repayment obligations worth L6,000,000 have been cancelled, and L14,000,000 will provide compensation and pensions for expatriate Civil Servants who are prematurely retired.³⁷

³⁵Department of Settlement, Annual Report, 1966-1967, p. 47.

³⁶Overseas Survey 1965, p. 96.

³⁷Ibid. (See also Odinga, op cit., p. 258).

On learning of this huge 'independence settlement gift', many European civil servants also joined their kith and kin in the Highlands and demanded that they too be terminated and compensated accordingly. Oser observes:

When the Africans took over from the Europeans, the question of what to do about the foreign civil servants arose. The new regime wanted most of them to stay on, but many were not inclined to do so. Both the few who were dismissed and the many who wanted to leave were offered compensation for the interruption of their careers. The reward for quitting was so attractive that most European civil servants, even if they had wanted to remain in Kenya and work for the new regime, quit their jobs, took their termination pay, and immediately accepted other government positions....The amount of termination pay depended on the civil servant's age at the time of termination, the number of years he had worked for the Kenya Government, and his average salary. The highest compensation went to those who were 41 years old in 1963. Thus if a man was 41 years old, had worked 15 years for the Kenya Government, and had been paid an average salary of L1,500, his lump-sum compensation would be L12,000 (\$33,000). In addition, he would get a "commuted pension gratuity" of L4,000 (\$11,200) payable over a few years. As this represented only part of his future pension rights, he would also get a pension of L600 (\$1,680) a year for life, even if he took a new job. All these payments were and are of course, convertible into sterling in London. No wonder this is called in Kenya the 'golden handshake', a sweet way to be bid adieu.³⁸

³⁸Jacob Oser, op. cit., p. 195.

And since the overwhelming number of banks in Kenya were British-owned (the same situation has not changed even at the time of this writing), nearly all the European payees preferred to have their payments deposited in a London branch where individual accounts were readily opened.

Oser once again observes:

Most of this rather large amount of economic aid from Great Britain to Kenya never reached Africa. Sterling bank accounts in London were transferred from the British treasury to the Kenya government to the private accounts of the departing European settlers and retiring civil servants in Kenya.³⁹

While some supremacist farmers and civil servants were panicking and getting ready to receive compensation and quit Kenya, others organized themselves and formed what they called "the moderate group" headed by Sir Michael Blundell.⁴⁰ This group's main objective was to 'moderate'

³⁹Ibid., p. 186.

⁴⁰ Incidentally, Blundell is now an industrialist and a farmer in Kenya. He owns at least one very large estate in the Highlands between Gilgill and Nakuru, and, in addition, is one of the "Top Fifty Directors" in East Africa (with 14 directorships as of July 12, 1967) and is also one of the chief advisors to the Kenya Farmers Association and the Government agencies.

Africans' view on both political and economic stand.

Blundell himself explained his tactics when he said:

unless Great Britain was prepared to support continued settler rule, white domination was impossible....I was trying to make our position safe by other means.⁴¹

He continues:

the only possible policy was a liberal one which attracted the best of the new African thought which was now coming to the fore, allied with measures which created a wider economic sphere for the African generally.⁴²

He outlined the most probable consequences very explicitly when he said:

As African political thought becomes more experienced in the actual practice of government, there will be a re-grouping on economic lines...in Kenya; one party will be socialist and revolutionary in concept, looking to the landless and lower paid workers for support, while the other will increasingly be progressive evolutionary alliance of property owners and 'haves' as distinct from the 'have nots'.⁴³

⁴¹Michael Blundell, So Rough A Wind, The Kenya Memoirs of Sir Michael Blundell (London: Widenfeld & Nicolson, 1964), pp. 178 & 287.

⁴²Ibid.

⁴³Ibid.

It is rather important to note here that Blundell echoed the same sentiment and used almost the same phrases and words as previously expressed by J. W. Swynnerton in his agricultural report of 1954. In other words, both Swynnerton and Blundell lay a foundation for Kenya: "a society of well-to-do 'haves' defending the status quo against growing numbers of landless 'have nots'.⁴⁴

E. Beginning of 'Tokenism' under the Land Transfer Program:

In 1961, shortly before independence in December 1963, the land in Kenya was classified as 'Scheduled' and 'Non-Scheduled'. (the former referred to the former 'White Highlands, while the latter referred to the former 'Native Reserves'). In 1963 these names were further changed into "The Large Farm Area", and "The Small Farm Area" respectively.

It must further be stated that the boundaries which existed in colonial days corresponding to the 'Large' or 'Small' Farm Areas are still in force under the independent government. The 'Large Farm Area' comprises approximately

⁴⁴Ann Seidman, "Agricultural Revolution", East African Journal, Vol. 7, No. 8, August, 1970, p. 35.

7.8 million acres of land, while the 'Small Farm Area' covers 18 million acres, of which over 10 million acres can be cultivated, the rest are partly arid and partly swamps. In other words, the 'Large Farm Area' is the land capable of intensive farming with rainfall of over 30 inches per annum; while the 'Small Farm Area' covers the land with a low rainfall of less than 30 inches per annum or land of impeded drainage and, therefore, suitable only for subdivision into smaller holders' schemes. These smaller schemes were further divided into two types operated by the Settlement Fund Trustees and, are, distinguished by their differing sources of Development loan finance.

It should also be noted here that during this period 1960 and 1961, there were approximately seven million Africans who occupied approximately 52,000 square miles of poor and semi-arid land. In other words, the average of cultivable land available for a European farmer was approximately 472 times as much as for an African peasant farmer. (See Table 13 below).

TABLE 13

EUROPEAN & ASIAN LAND-HOLDINGS IN KENYA, 1960 & 1961. ⁴⁵

Acreage	Per cent of Holdings		Per cent of Area	
	1960	1961	1960	1961
20- 499	32.8	34.0	2.8	2.9
500- 999	22.1	20.9	7.6	7.1
1,000-1,999	23.6	(37.4)	(15.5)	(34.3)
2,000-4,999	13.9	()	19.1	()
5,000-49,999	7.3	7.5	44.3	44.2
50,000 and over	$\frac{.3}{100.0}$	$\frac{.3}{100.0}$	$\frac{10.7}{100.0}$	$\frac{11.5}{100.0}$
Total acreage of all farms	1960.....	.....	.....	7,731,000
Average acreage all farms	1960.....	.....	.....	2,142
Total number of holdings	1960.....	.....	.....	3,609 (a)
	1961.....	.....	.....	3,642 (b)

(a) Of the total, all but 129 were in the Highlands
 (b) includes a few Africans coming into the Scheduled Areas.

⁴⁵Colony and Protectorate of Kenya, Economics and Statistics Division, Agricultural Census, 1961, Scheduled Areas and Coastal Strip (Nairobi, 1962), p. 5; and Kenya European and Asian Agricultural Census 1960 (Nairobi: 1961), p. 3.

Land Allocation 1954-1963. Earlier in 1955, the agricultural Ordinance of the East African Statistical Department established a list of all European and Asian farmers.⁴⁶ At the time of 1960 census, there were 3,609 farms as against 3,163 recorded in 1954, which indicates that the rising trend established over the previous six years continued. The number of farms recorded in each census year beginning 1954 was as follows:⁴⁷

<u>Year</u>	<u>Farms</u>
1954.....	3,163
1955.....	3,329
1956.....	3,322
1957.....	3,451
1958.....	3,540
1959.....	3,593
1960.....	3,609

⁴⁶According to this Ordinance, a farmer was defined as "the person (persons or company) who has control over what is grown on the farm, and the financial receipts obtained from its produce.

⁴⁷Colony & Protectorate of Kenya, Kenya European and Asian Agricultural Census 1960 - A Statistical Analysis (East African Statistical Department, Kenya Unit, 1960), pp. 1-2. (See also East Africa Journal, May 1970, p. 7., Jacob Oser, Promoting Economic Development: with Illustrations from Kenya (Evanston: Northwestern University Press, 1967), p. 151, and Leonard Barnes, African Renaissance (Indianapolis: The Bobbs-Merrill Company, Inc., 1969), p. 9.

These farms occupied an average area of approximately 7.8 million acres. A look at the census over the same period beginning 1954 to 1960 explains a steady increase in the number of acreage occupied by European settlers.⁴⁸

<u>Year</u>	<u>Acreage</u>
1954.....	7,016,000
1955.....	7,086,000
1956.....	6,991,000
1957.....	7,350,000
1958.....	7,577,000
1959.....	7,695,000
1960.....	7,731,000

According to the 1960 census, the total area available in Kenya for European and Asian farming had expanded to 7.73 million acres distributed as follows:⁴⁹

The Highlands	7,415,000 acres
Central Nyanza.....	38,000 "
Taita District.....	154,000 "
Coastal Strip.....	124,000 "
Total	<u>7,731,000 acres</u>

⁴⁸Colony & Protectorate of Kenya, Kenya European and Asian Agricultural Census, 1960, A Statistical Analysis, p. 1.

⁴⁹Colony & Protectorate of Kenya, Kenya European and Asian Agricultural Census - 1960 - A Statistical Analysis (East African Statistical Department, Kenya Unit, 1960), p. 2.

Jacob Oser also observed that this vast land was divided among "3,400 white farmers in Kenya, which means that the white area has an average of 2,400 acres, or four square miles per family.⁵⁰

Summary:

In this chapter, it was noted that in 1954, more than half the European commercial farms (about 1,600) averaged between 500 and 2,000 acres, and many settlers had more than one farm of enormous size.

During the same period, only 10 per cent of the Highlands was used for crops, more than 46 per cent was classified as 'agriculturally unproductive,' and 44 per cent was used only for grazing. Instead of opening up these areas to Africans, the Governor announced in the Legislative Council, on October 23, 1957, that the Government had resolved to consolidate 'African Reserve Areas'. This announcement was carried out albeit it was vigorously denounced by the African Representatives in the Council.

By 1960, the political barometer in Kenya had greatly changed. Africans' representation in the council had largely increased, and, as a result, the British Government called

⁵⁰Jacob Oser, op. cit., p. 151.

off the state of Emergency. Meanwhile constitutional conferences were held in London, to work out Kenya's political future.

The demand by the Africans for the unconditional release of Jomo Kenyatta was now reaching the ears of the colonial authorities. Meanwhile, events in the Congo (now Zaire) helped the Europeans in Kenya to plan yet another new strategy. A regional (or Majimbo) ; constitution was called for, whose aim was to divide Africans on ethnic lines, thus, guaranteeing Europeans' continued grip of the Highlands.

In spite of this, however, the panicked European farmers demanded at the conference a "Bill of Rights", and 'fair' compensation be guaranteed in the 'Uhuru Constitution.

Meanwhile, European farmers, in conjunction with the Colonial Office, opened the door by releasing one-million-acres in the Highlands to be settled by Africans who had enough capital as well as those who were destitute. This gesture was the beginning of tokenism.

CHAPTER VI

POST INDEPENDENCE ERA: LAND POLICY (AGRICULTURAL REFORM)

A. Uhuru Government's Land Consolidation and Registration Program:

By 1965, the effect of the Swynnerton Plan of individual ownership of land (as opposed to communal ownership) had vigorously taken effect on the country. Africans had clearly been divided into two distinct groups: one which had been swayed to favor individual ownership of land and unlimited accumulation of property, and the other which favored continued adherence to traditional communal ownership of land and limitation of property ownership.

Along these lines the government raised two most serious questions: (a) whether to secure the return of all the land from European settlers, and how; (b) or whether or not the emphasis should be placed instead on continued consolidation and registration of the land once known as "African Reserve", and acquire only a small part of the Highland periphery for the purpose of settling a few "landed and landless" Africans.

Because of pressure generated by settlers and their supporters, the Government was 'forced' to appoint the Stamp Commission to examine how land transfer and re-

settlement in the former white Highlands could be carried out "without jeopardising agricultural production". In that year the British Government simultaneously responded to expropriation demands by informing the Kenya Government that it would be unable to continue to finance the Kenya Government in her effort to purchase European farms in the settlement programs. And as expected, the Stamp Commission equally advised the Kenya Government that the idea of transferring land from European to African ownership would not significantly further Kenya's economic development. As a result, the Government decided to embark on the second alternative of giving much greater emphasis to development of the "African Reserves" through consolidation and registration. Messrs Gichuru, Mboya, McKenzie and Angaine (all Cabinet Ministers) went to Britain in August to inform the British Government of the Kenya Government's new land policy, and also to ask for financial assistance in this matter.

While in London, this delegation held a Press conference at which one journalist pointed out that the State Paper on 'African Socialism' (otherwise known as 'Sessional Paper Number 10' which the Government had just published) appeared to give priority to the development

of the 'African areas'. "Did you mean that Kenya would ask for less money from Britain for the purchase of European mixed farms?" the journalist asked. To this Mboya replied:

Special attention must now be given to what had previously been called African areas as against what had been termed the White Highlands. Buying out white farmers and dividing their land among Africans did not in itself lead to development; change in ownership did not necessarily increase production. Opening new farming areas for African peasants did, however, mean development and larger output.¹

Mboya then added:

We have ceased to depend on White Highland farming. Land in the former African areas has greater potential. Our purpose is more diversification and more land under cultivation in the African land units.²

The potentiality of African reserves Mr. Mboya was referring to, this writer does not really know. Geographically, apart from the Highlands, most of Kenya is almost barren and, therefore, uncultivable. After the delegates returned, the Kenya Government applied to the British Government for a commission to conduct a survey of Kenya and

¹East Africa and Rhodesia, August 5, 1965, p. 769.

²Ibid.

advise how consolidation and registration of land in the 'African Reserves' could be expanded. The British honored this request.

Following the publication by the Government of the 'Sessional Paper No. 10' (which will be discussed in the next section), and the return of the cabinet delegation to London, the Uhuru Government requested assistance from the British Government for a broad program of agricultural development. The objectives and priorities of this program were as follows:

The Kenya Government herewith applies to the Government of the United Kingdom for capital and technical assistance for a broad programme of agricultural development in Kenya, to be financed by a series of loans and grants the details of which will be negotiated every few years over a period of fifteen to twenty years....The major objectives of this programme are:

1. To establish the pre-conditions for a rapid rise in productivity in Kenya's peasant farming areas, which constitute well over 80 per cent of the land now devoted to some form of agriculture. Most important, the pre-conditions is a basic reform in the tribal system of land tenure, to be accomplished through an acceleration of the process of land consolidation and registration.
2. As an initial step towards attainment of the first objective the Kenya Government decided to ask the British Government to supply on technical specialists to prepare

a thorough report on land consolidation and registration and suggest a long-term programme which is realistic and economic.³

On November 22, 1965, the following team began deliberation and inquiries in Kenya.⁴ (Its terms of reference appears in the appendix).

Mr. J.C.D. Lawrence	(Chairman)	
Mr. S.R. Simpson	)	From Britain
Col. G.J. Humphries)	
Mr. C.P.R. Nottidge)	
Mr. J.D. MacArthur	)	Both European settlers residing in Kenya
Mr. G.M. Gaitta	)	Both Kenyans
Mr. J.H.O. Omino)	

First the Commission seemed to have had reservations about the outcome of the envisaged program. Their misgiving went back to the historical realities of consolidation and registration as it was first applied in Britain between 1760 and 1860 known as "the Enclosure Movement". , Quoting Professor Cheshire's book "Modern Law of Real Property" the Mission observed:

the Commissioners visited the locality, publicly took evidence from those who desired and those who opposed enclosure, and made a final award by which they granted to each person a self-contained freehold estate in lieu both of the

³Report of the Mission on Land Consolidation in Kenya 1965-1966, pp. 1-2.

⁴Ibid., p. 3.

scattered strips and of the communal rights he formerly possessed.⁵

The Commission went on to emphasize that:

In Britain, as in Kenya there was no intention to harm the small man and his apparent legal claim was fully recognized, but in the effect he was often squeezed out and though he received full monetary compensation, it was, like his extinguished land rights, very small and so was soon dissipated.⁶

The Report ended up with this warning:

After a hundred years there was only 2¼ million titles on the English register. These are mainly urban and most of the English farming land is unregistered and nonetheless were farmed for that. All the cocoa, palm oil and groundnuts of West Africa have been produced without registration of title, as have coffee in Chagga country of Tanzania and cloves in Zanzibar....We feel we must make this clear because, in making it an aim of policy to apply registration of title unselectively to all areas capable of development throughout the whole country, the Kenya Government is not only attempting a task of unparalleled magnitude but could in many places be merely handing a stone to the man who is asking for bread.⁷

In other words, the growth of the gigantic capitalist monster in England and later in other Western countries stemmed first from the expropriation of peasants from

⁵Ibid., p. 8.

⁶Ibid.

⁷Ibid., p. 9.

their land, then quickly followed by accumulation of capital by a few, leaving the landless proletariat in a much more terrible situation. The Kenya's Sessional Paper No: 10 did not overlook this fact when it said:

The encloser movement and the industrial revolution had created a landless proletariat and was ruthlessly exploited by those with economic power who had much the same absolute rights as those of the feudal lords.⁸

If this is really so, then Kenya was essentially put to the same capitalist test. According to the Commission's Report, consolidation and registration in Kenya involved costs separated into categories: (1) survey costs, and (2) land adjudication costs. These costs varied from district to district. For instance, adjudication fee in the Kikuyu Districts of the Central Province, where there was much fragmentation and the country was very much broken during colonial invasion, and particularly during the Mau-Mau period, a fee of ten shillings an acre was imposed; in Embu and Meru, and Taita Districts a fee of five shillings an acre was charged, and everywhere else four shillings. A consideration was later

⁸African Socialism and Its Application to Planning in Kenya (Nairobi: Government Printer, 1965), p. 7.

given to a general rise in adjudication fee to an overall average figure of ten or twelve shillings. The fee for a land case in the African court is one hundred and twenty shillings. The average cost of survey is about Shs. 12.50 an acre, while a registration certificate of title costs Shs. 25.00 -- at least until the Lawrence Commission recommended that such fee should be withdrawn.

Between 1961 and the beginning of 1967, the number of acres with registered titles was somewhat more than two million, "still only a small portion of the estimated million registered acres in the country"⁹. According to the Government's Report issued in January 1969, the value of known sales of major agricultural products in consolidated districts had approximately doubled in the decade.¹⁰ But some economists have refuted this claim.

⁹Ann Seidman "The Agricultural Revolution", East Africa Journal, Vol. 7, No. 8, August 1970, p. 26.

¹⁰I. K. Kituku, Senior Economist/Statistician, Ministry of Economic Planning and Development, "Land Consolidation and Registration - Kenya's Experience", IDEP/MISR Quarter Continent Conference on the Experience with Planning Agrarian Change in East Africa, January 1969.

For instance, Ann Seidman once again observed that:

This in itself is not very convincing, however, since the value of known sales from the non-consolidated districts also multiplied rapidly, more than doubling in Central Nyanza and increasing almost 4 times in Machakos.¹¹

The same Report argues that more credit was granted to farmers in the consolidated areas, presumably made possible by registration of titles. Here one is tempted to question whether consolidation and registration was the only criterion on which credit could be extended. Once again Ann Seidman answers this question when she says that:

In Kenya, the private commercial banks and Government assumed it was the only way, so they could not be expected to extend as much credit to areas where consolidation and registration were not adopted.¹²

The Report admitted, however, that landless groups were "uncovered" by consolidation. As of 1968, the progress made in respect of the transfer of agricultural land, "from non-citizen ownership to citizen ownership" since independence amounted to 900,000 acres or 14 per cent of

¹¹Seidman, op. cit., p. 26.

¹²Ibid., p. 27.

the total Highlands. The total possession by Africans of land within the Highlands, and around the Highland vicinity amounted to 2,306,600 acres as the following table illustrates.

TABLE 14

LAND TRANSFERRED TO AFRICAN USE TO 1968¹³

Types of Scheme	Acres Transferred to Africans	No. of Farms Established	Average Size of Farms Est.
1. Sub-Divisional Settlements:			
High Density Schemes	788,000	26,700	30
Low Density Schemes	188,000	5,200	36
Squatter Settlement	86,000	14,000	6
Total	1,062,000	45,900	23
2. Large-Scale Farms:			
AFC, ADC, Asst. Owners, Etc.	953,600	1,192	800 (a)
Ol'Kalou Salient	121,000	19	6 368 (b)
Other Co-operative, set up by Dept of Settlement.....	170,000	15	11,333
Total	1,244,600	1,226	1,015
TOTAL	2,306,600	-	-

(a) The average size of farm is approximate.

(b) These farms are owned and presently operated by the Department of Settlement.

¹³Republic of Kenya: Development Plan 1970-1974, p. 24.

B. The Lawrence Mission's Report & Recommendation on Land Consolidation and Registration:

The Lawrence Mission submitted a host of detailed recommendations for land reform. They also made proposals for the reorganization and expansion of the Land Adjudication Department (which at that time was called the 'Land Consolidation Department'). The Mission's program involved adjudicating 3.1 million hectares¹⁴ of land scheduled for the period 1966/67 to 1969/70.

The program was expected to cost L 3.4 million. Of the total area involved, 1.0 million hectares were in the high rainfall agricultural areas, while 2.1 million hectares were in lower rainfall pastoral or range areas.

The Mission submitted also that:

No registration should be contemplated in high-potential, mixed farming areas of Masai-land or West Pokot until public attitudes to ownership of land by persons of other tribes change. (para 111)¹⁵

The Mission also submitted in its report the public attitudes toward the land reform program as well as its economic and social effects:

¹⁴One Hectare equals 2.4711 acres; 1 Acre = 0.4047 hectares.

¹⁵Lawrence Mission, Report of Land Consolidation and Registration, 1965-1966.

the landowners in the first areas to be consolidated there clearly have reservations and sufficient of them have refused to move to their newly consolidated holdings as to hold up completion of the scheme. Public opinion is likewise strongly opposed to consolidation in the fragmented high-potential areas of Machakos and Kitui Districts.... It was undoubtedly fear of consolidation which previously led to opposition of land registration in Kericho District and some parts of western Kenya....¹⁶

The report continued:

The widespread demand for registration is undoubtedly due in large measure to the support of political leaders. These same leaders were not always in favor of the process and indeed many opposed it with deep-rooted conviction. (para 81)¹⁷

Many people of various ethnic groups voiced their opposition to land consolidation and registration as this system was foreign to them. For instance, the people of West Pokot reiterated:

We Pokot would like to take this opportunity to register and clarify our justified and legitimate right to our tribal land as provided in the Constitution and customary law of the country and as protected by Trust Land Board. (para 87)¹⁸

¹⁶Ibid., (para 80), p. 83.

¹⁷Ibid.

¹⁸Ibid.

It was quite clear in the minds of the members of the Mission that a majority of the people in Kenya including some political leaders were opposed to the land reform as exemplified by the former colonial government, and pursued by the Uhuru Government, save a few politicians and some others who thought they would benefit from the program.

The Socio-economic effects of the Program: The plight of the freedom fighters' land that was consolidated and registered under the colonial government's supporters' ('loyalists') names as the new owners has already been indicated in the preceding chapter.

The Uhuru Government in its support for consolidation and registration program outlined what is called "manifold benefits". Among these are:

Time and money no longer need be spent on land litigation, nor is it necessary for farmers to waste time travelling between numerous scattered plots of land. The reform acts as a powerful stimulus to agricultural development....Because agricultural development proceeds more rapidly after land rights have been adjudicated, the reform also tends to encourage a much higher level of employment in the rural areas.¹⁹

¹⁹Republic of Kenya, Development Plan, 1970-1974, p. 210.

But a closer look at these assumptions might help understand their misconceptions. For instance, correlation between acreages consolidated and registered and increased in agricultural production does not always give a reliable indication of the development effects even of a land reform program combined with an agricultural follow-up program. For instance, Meru is estimated to have roughly 550,000 acres of high potential land suitable for registration, but by 31st March 1965, only 40,700 acres had been registered. In other words, Meru achieved its increase in coffee production without consolidation and registration; even though some other selected crops indicated a development trend as shown by the following figures from Nyeri District where registration started in 1955 and was completed by 1959:

TABLE 15

SOME SELECTED FIGURES OF PRODUCTION FOR NYERI DISTRICT²⁰

	Tea-Green leaf sold (million pounds)	Pyrethrum Flowers (tons)	Whole Milk '000 gals sold to dairies
1955	0.0	18	6
1956	0.0	29	76
1957	0.06	27	83
1958	0.24	28	96
1959	0.60	37	figures unreliable
1960	0.93	89	113
1961	1.1	112	205
1962	1.4	126	256
1963	2.0	189	736
1964	3.5	77	1,110

The Report reiterated, however, that "it is unsafe to draw conclusion from such figures for there are very many variable factors involved, such as the introduction of new crops (tea in this instance), a rapid expansion of markets for produce (milk in this instance), volume of credit, or the farming attitude of the local people.²¹ The Mission also confirmed the criticism that consolidation creates unemployment and landlessness. In this respect, the Mission observed:

²⁰Lawrence Mission, op. cit., p. 18.

²¹Ibid.

In Central Province the landowner possessing many fragments was frequently unable to cultivate all of them and so allowed tenants (ahoi) to cultivate the least desirable and more remote of these fragments. At the time of consolidation the ahoi's cultivation rights were extinguished and they found themselves landless and with little hope of immediate employment.²²

The Mission continued:

It must also be remembered that although consolidation as carried out in Kenya has cured the problem of fragmentation of holdings, it has not affected the problem of sub-economic parcellation. Thus in Nyeri district 34,500 out of 43,200 holdings are of six acres or less.²³

It is true, however, that land consolidation or enclosure can be productive if proper materials used are stock-proof, in which case it economises on labour in herding, protects crops from straying livestock, and facilitates the control of animal disease. But it can, however, possibly be that enclosure, even if the hedging is not stock proof, will encourage limitation of stock number to the carrying capacity of the land.

In Kenya, registration resulted in many land disputes and cases. For example, in 1964, 666 land cases

²²Ibid.

²³Ibid.

were heard in one district alone (Kisii), and after their reviews and appeals, they totaled 1,080 at a cost of L 25,164.²⁴ The following districts also experienced similar problems: Central Nyanza 550, South Nyanza 479, Bungoma 83, Busia 141, Kakamega 459, Machakos 679, Kitui 113, and Meru 122.²⁵

And although title to land would provide a convenient form of security for loans from sources not previously available to the African farmer, however, the provision of a secure title which can be pledged as security for loan made, if the loan is used for unproductive purposes, or if the rate of interest is exorbitant (the present rate of interest is 6.5 per cent), or if there is a succession of crop failures, leads to a serious state of chronic indebtedness, a farmer may, as a result, lose his land; and even if he retains his land, he would be deprived by debt charges of most of his income, and will then lose the incentive to farm properly and with determined effort.

²⁴Ibid.

²⁵Ibid.

Other dangers which registration imbues are the unfettered right of individuals to dispose of land and, as a result, may encourage the improvident to sell their land to provide ready cash for non-productive purposes; and although it can be argued that such sales contribute to aggravation of holdings in areas where farms are in general too small to permit development, nevertheless, the social problems posed by such action on a large scale are magnitude. On the question of transmission and inheritance of land, the Mission advised the Kenya Government to review its present policy of vesting the deceased's land in somebody who is not actually shown on the Register.²⁶

Now that Kenya has already opted for a policy of encouraging the emergence of individual rights in land,

²⁶It is both interesting and appalling that the Kenyatta Government had to approach the British Government for 'assistance' in this matter of 'inheritance and transmission' which arises on the death of a landowner subject to customary law, as though both Kenya and Britain exercise the same customary laws.

as opposed to collective or communal ownership of same (it should be noted very seriously that individual rights constitute ownership of land by individuals), it should, however, never be forgotten that registration of individual ownership can prove on occasion to be a serious obstacle to agricultural development. If the pattern of ownership is out of line with what is required for actual land use. Reiterating on this point, Gerald Meier for instance, observes:

The general economic argument for land reform as distinct from the social argument for more equality is that these systems of ownership give rise to large incomes which are not reinvested in production. They give rise also to social attitudes inimical to investment. Land owners spend conspicuously; buy more land; or invest in urban house property; or land at extortionate rates of interest to cultivators for non-productive purposes.²⁷

In the same vein, the Lawrence Commission Report pointed out, however, that consolidation and registration does not necessarily provide a panacea for the pitfalls arising from the misuse of land. It said:

²⁷Gerald M. Meier, Leading Issues in Economic Development, Studies in International Poverty Payments, 2nd Edit. (London: Oxford University Press, 1970), p. 423.

It should, however, never be forgotten that registration of individual ownership can prove on occasion to be a serious obstacle to agricultural development, if the pattern of ownership is out of line with what is required for actual land use.²⁸

While public opinion tends to lean toward accepting consolidation of fragmented areas in terms of viable agricultural development, it is nevertheless also true that the same public is strongly opposed to the registration of titles to individuals. Africans are aware that the registration system was introduced as a way to safeguard the Europeans' continued presence and alienation of the Highlands. Furthermore, the number of quarrels between families, clans and neighbors over land rights has increased. If it is decided in any locality that consolidation is necessary for development, further investigation and examination of whether or not this undertaking would disrupt communal life of Africans, and if at all, formulate ways and means to alleviating or avoiding any such from occurring or how to effectively combat it.

²⁸Lawrence Commission Report, 1965, para. 90, p. 27.

"African Socialism and its Application to Planning in Kenya" (Sessional Paper No. 10) as a Government's Development Policy: The 'Uhuru Government' upon assuming office on December 12, 1963 extended the agricultural program of land consolidation and registration as first expounded by the colonial government's strategist, J. W. Swynnerton in 1954, hereinafter referred to as "The Swynnerton Plan".

Because of strong opposition to the Swynnerton Plan by some African politicians and others alike, the Uhuru Government decided to implement its aims and objectives through other means.

President Kenyatta's bustling "Back to the Land" ~~speech, which he made in September, 1964, did not focus~~ on the need to secure the rights of all the land including the Highlands once lost to the Europeans, but rather emphasized the need for developing the small acreage attained so far, and called for an accelerated program of consolidation and registration of the land in the so-called "African Reserve". The President said:

Our greatest asset in Kenya is our land. This is the heritage we received from our forefathers. In land lies our salvation and survival. It is this knowledge that we fought for the freedom of our country. Whatever our plans for the future, they must spring from a resolve to put

to maximum production our land, however small the acreage we may possess.²⁹

Thus, the speech disseminated the 'Uhuru Government's new priorities she was formulating in agricultural program of "small acreage" in respect to development. These priorities were shortly afterwards outlined and elaborated in the Government's Sessional Paper No. 10 entitled "African Socialism and its Application to Planning in Kenya." When this document was unveiled for the first time in Parliament on April 27, 1965 by the late Tom Mboya in his capacity as Minister for Economic Planning and Development, Kenyatta warmly embraced him, and also called it "the Bible for Kenya's future."³⁰

Mr. Kenyatta's expression of approval and undying love appears in its Foreword. This document, while reaffirming that:

²⁹Jomo Kenyatta, Harambee (Nairobi: Oxford University Press, 1964), p. 60.

³⁰African Socialism and its Application to Planning in Kenya (Republic of Kenya: Government Printer, April 1965), Para. 101, p. 36. See also Reporter, May 7, 1965.

Agriculture is the dominant sector of the economy, encompasses the whole country and promises a living for the majority of Kenya families...³¹

announced that within this large sector:

Development in agriculture will be given first priority in the African areas. The use of funds here will increase output, yields, employment and per capita income much more rapidly and effectively and on four to six times the acreage than the use of these funds for settlement....What is now urgently needed is development, not merely land transfer. Consolidation and registration will make farm credit and modern methods of agriculture possible and should expand employment much more rapidly than settlement can, by bringing more land into productive use.³²

Its Concept of Land: There is a great deal said in the above document about land, and whose intangible and vague concepts such as 'the tradition of political democracy' and the 'feelings of mutual responsibility' will play a part in preventing the universal law of history from asserting itself, I.e., that in the final analysis a state is controlled by the class which owns its means of production. Yet when it comes to the most tangible traditions of land in African society which are really inimical to the creation and maintenance of a

³¹Reporter, May 7, 1965.

³²Ibid., (para 102), O. 37.

united society, such traditions are rejected in favor of a 'disjointed historicity' of the future society. Observe, for instance, the following argument for the encouragement of individual land ownership instead of traditional communal land ownership:

There is some conflict of opinion with regard to the traditional attitude towards rights to land. Some allege that land was essentially communally or tribally owned; others claim that individual rights were the distinguishing feature.³³

What apparently emerges from this historical debate, according to the Paper, is the fact "that land and other productive" assets, no matter who owned or managed them, were expected to be used for the general welfare of the society as a whole."³⁴ Yet after hinting that this noble tradition accords with the latest developments in societies where the states have the right to order the uses to which property will be utilized, the Paper goes on:

These African traditions cannot be carried out indiscriminately to a modern monetary economy. The need to develop and invest requires credit

³³Ibid (para 28), p. 10.

³⁴Ibid.

and a credit economy rests on a system of land titles and registration. The ownership of land must therefore be made more definite and explicit....³⁵

Property in land and other productive assets in traditional African societies (including that of Kenya -- of course) was made to serve the general welfare not because of the 'unifying principle' per se, but the unifying principle emerged from the fact that land was in the last analysis owned by the community as a whole.

It may perhaps be that the traditional concepts of African society have been so eroded that, in Kenya, for example, a period of individual ownership of part of the land is a necessary transition stage as the Document appears to indicate. However, the author(s) of the Paper may not have realized that behind today's references to 'credit' economy' and 'modern monetary economy' actually mean bonds and mortgages; of high interest rates and foreclosures-- the treason and nightmare of all so-called 'undeveloped small tun fish whose survival rests on the continued borrowing and protection of 'special means of production' from the so-called 'developed' 'big whale'".

³⁵Ibid., (para 30), pp. 10-11.

Another nightmare that does not spring from the African tradition but rather from the Paper concerns the role assigned to the Republic of Kenya under its 'African Socialism' concept. The government's support and encouragement of the emergence of an entrenched class accumulating large tracts of land or numerous farms and other wealth is further reflected in the Document which in effect states that:

The state, therefore, has a continuing function to perform, not in subordinating the individual in society, but in enhancing the role of the individual in society. Individuals derive satisfaction not only from the goods they consume but also from those they accumulate. If human dignity and freedom are to be preserved provision must be made for both activities by the individual--consumption and accumulation.³⁶

In other words the Paper firmly advocates individual accumulation of the means of production, and of profit deriving from the latter. The Paper then warns that "under African Socialism and power to control resource use resides with the State but to imagine however, that the use of resources can only be controlled through their ownership is", says the Paper, "an error of great magnitude".³⁷

³⁶Ibid. (para 33), pp. 11-12.

³⁷Ibid. (para 31), p. 11.

It is in connection with the same thought that the Paper proceeds to equate the accumulation of private wealth with human dignity and freedom. Apparently the architect(s) of the Paper either was ignorant of or merely overlooked the fact that all governments regardless of their system of operation, play a very significant role in economic planning and control. The United States Government, for example has Anti-Trust Laws.

The Paper states that "no class problem arose in the traditional African society and none exists today among Africans."³⁸ There is some truth in the first part of the statement, however, not in the latter part of it. It is a well known fact that class problem arose with the emergence of colonialism in Africa -- and surely Kenya was no exception, and even today this menace continues to multiply with an alarming rate. The Paper then maintains:

The class problem in Africa is therefore largely one of prevention, in particular to plan development so as to prevent the emergence of antagonistic classes.³⁹

³⁸Ibid., (para 36), p. 12.

³⁹Ibid.

But 'planning development' without proper checks and balances through nationalization of the means of production is itself self-defeating and, indeed, fruitless. This lack of magnitude is revealed in both the Constitution and the K.A.N.U. Manifesto (Election Platform of 1963) both of which are quoted in the above Paper which states, inter alia:

The Constitution and KANU Manifesto make it clear that African Socialism in Kenya does not imply a commitment to indiscriminate nationalization. These documents do commit Government to prompt payment of full compensation whenever nationalization is used.⁴⁰

After the Document was rushed through Parliament and was accepted on May 7, 1965, it immediately came under fire from various circles both within and outside Kenya. For instance, a newspaper in Tanzania, The Nationalist, attacked it as being "neither an African nor a Socialist".⁴¹ The editorial ended up by declaring that its content "far from being a policy for socialism, all the arguments advanced are AGAINST socialism, and for capitalism."⁴² Patrick McAulan in The Venture, a

⁴⁰Ibid., (para 73), p. 26.

⁴¹The Nationalist, June 28 and 29, 1965 (See excerpts of the Editorial in the Appendix).

⁴²Ibid.

British Fabian Society's monthly Journal, had this to say about the Document:

The paper is lukewarm on limitations on the size of individual land holdings, surely the one measure above all others which should be taken in a predominantly rural society to ensure that economic power group do not arise.

The overwhelming impression one gains from the Paper is that the Kenya government have opted for the capitalist direction of economic development.⁴³

And in the book of 'A Working Party', Who Controls Industry in Kenya? said that the Document "leaves Kenya exposed to a danger that should surely be faced sooner rather than later".⁴⁴ A Working Party offers some suggestions, such as:

the imposition of a ceiling on acreage owned by any individual or group; the principle of leasehold, whereby ownership reverts to the state after a period of years, or a system could be created whereby society would prevent limitless accumulation of land by a wealthy class, a development which has had such costly consequences in so many countries.⁴⁵

⁴³The Venture, September, 1965. (See also Reporter, October 22, 1965, p. 12.)

⁴⁴A Working Party, Who Controls Industry in Kenya? (Nairobi: East African Publishing House, 1968), p. 212.

⁴⁵Ibid., pp. 212-213.

The authors end with the warning:

If no steps are taken, the owners of agricultural land, or speculators who buy likely plots in anticipation of development, will be able to hold the community to ransom, in the hope of large profits. Legislation is urgently needed to empower public authorities to buy land "at existing use values" i.e. as agricultural, etc. land. The profit on any enhanced value thus accrues to the society which created such development.⁴⁶

Oginga Odinga later in his book 'Not Yet Uhuru' revealed that the Document's "drafter turned out to be an American professor-adviser"⁴⁷ of Mboya. A commentary entitled "The People's Front of East Africa" which appeared in the Reporter of September 24, 1965 had this to say about the 'Document':

Now, it is only a fool who can support the theories which go under the name of "African Socialism" which are, in reality, claiming special African features as a cover for their lack of socialist understanding, and encourage illusions about political problems as well as economic problems. The term "African" is used to cover up the fact that the "socialism" advocated is in fact a negation of Socialism. It is used to flatter African intellectuals that the new ideology is of their own creation ...a dishonest smoke-screen for capitalism and the ownership of property by individuals....⁴⁸

⁴⁶Ibid., p. 213.

⁴⁷Oginga Odinga, op. cit., p. 311.

⁴⁸Reporter, September 24, 1965, pp. 9-10.

Summary:

In this chapter, we noted that by 1965, the intended effects of the Swynnerton Plan had begun to be realized. This realization was reckoned with the Uhuru Government's publication of the Sessional Paper No. 10 (African Socialism), and the arrival of the Lawrence Mission of Land Consolidation and Registration.

The ideas as expressed in the Sessional Paper No. 10 on Land were the very opposite of the African concept on land ownership and its use. Instead of taking the task to develop it along the lines of traditional norms based on communal ownership, the Uhuru Government embarked upon expanding a new development based on individual ownership as propounded by the European settlers.

The document's theories on land and development are false. The document states categorically that the African traditions cannot be carried out indiscriminately to a modern monetary economy, which rests on a system of land titles and registration. Therefore, the ownership of land must be made more definite and explicit. The Document also reaffirms that development in the 'African Reserves' will take precedence over settlement in the Highlands. In other words, whatever has been done through

the resettlement program, has accomplished its intended purpose.

The Lawrence Mission's Report showed skepticism about the success of consolidation and registration of land in Kenya, and/or elsewhere. Public opinion was equally against the idea of consolidation and registration of land. For instance, the Mission's Report noted social unrest arising from big increase of land cases. The Report also observed that consolidation created in Kenya more unemployment and landlessness. The 'ahoi' among the Gikuyu are a case in point. The Report also pointed out that although consolidation cured the problem of fragmentation of holdings, it has not, in fact, affected the problem of sub-economic parcellation.

CHAPTER VII

MAJOR LAND PROGRAMS

In 1960, as a result of impending political changes in the country, some Europeans resolved to sell to the government part of the idle land for the purpose of settling some landless Africans. On January 1, 1961 an initial program was launched to settle landless Africans on government land purchased from some of these European settlers. On that same day a Land Development and Settlement Board (L.D.S.B.) was created to administer the settlement operation. Funds totalling L7.5 million were provided for this purpose. The new inhabitants were first divided into three principal categories:

1. Small settlement Schemes: These comprised land primarily in the mixed farming areas of the High Density and Low Density areas. These were in what may be called the sub-periphery of the Highlands -- i.e. outside the Highland perimeter which included the 'Million-Acre-Crash-Program'. In other words, these were what may be called 'Disguised Peasant Settlement Schemes'.
2. Medium Size Settlement Schemes: These were situated in areas in the zodiac of the Highlands which were acquired by either co-operatives or individuals. The latter group comprised mainly the few elite (local politicians, businessmen, senior civil servants, and some non-citizens living both within and without Kenya, but who had 'friends' in the country). The minimum number of acreage each individual acquired is estimated to be between 25 and 50 acres.

3. Large-Size Settlement Schemes: These were areas of the former Scheduled Area (Highlands) but which had remained idle (uncultivated). Such areas were taken over by Government either in joint ventures with private companies or independently on a minimal basis only through the sponsorship of the African Development Corporation. (A. D. C.).

Later, however, these categories were reduced to two: the first one was named the "Peasant Settlers" while the last two were combined to form what was called 'Yeoman Settlers' Scheme' (Otherwise referred to as 'Assisted Owners' Scheme'). It is estimated that the 'yeoman' settlers received an average of 12 to 15 acres each while the 'peasants' received as little as 3 acres. Ann Seidman noted that "there was not enough land to satisfy all who were eligible"¹. Departing European farmers were paid one-third in cash, with the balance spread over seven equal annual instalments payable in London.

However, this program was suddenly abandoned in March, 1961, apparently due to miscalculations, poor planning and mismanagement. Oginga Odinga noted that:

¹Ann Seidman, "The Agricultural Revolution", East Africa Journal, Vol. 7, No. 8, August 1970, p. 25.

The first settlement schemes prepared under Britain's guidance and executed by a Ministry top-heavy with old style civil servants (the former settler-owners were employed as settlement officers) was rushed through in anticipation of independence to take the steam out of the land issue, even a raging grievance in Kenya, and as an overture to African political forces. The Coalition Cabinet in which the KANU Ministers were Kenyatta, McKenzie, Mboya, Gichuru and Chokwe sanctioned the Kinangop Scheme which has proved virtually a write-off: the planners of this settlement ignored the basic ecological deficiencies of the area....²

In November of the same year, the program was resumed after the British Government loaned the Kenya Coalition Government additional money. But when the departing settlers learned of the extra loan from Britain, they objected to the former arrangement and demanded that they be paid half the purchase price in cash, with the balance paid in three equal annual installments. The Kenya Coalition Government promptly agreed -- possibly because the majority of the Cabinet members were fellow European settlers and sympathizers.

After December 12, 1963, when Uhuru Government, headed by Kenyatta finally assumed responsibility, the

²Oginga Odinga, Not Yet Uhuru (New York: Hill & Wang, 1967), pp. 258-259.

old settlement programs were apparently continued. Indeed much of the Government's agricultural policy of land transfer and settlement programs in the former Highlands remained relatively meager. During this time the masses ('wananchi') pressed their government to honor the pre-independence demands for the immediate return of their Highlands (from the European farmers) but the government continued to resist such demands as well as parliamentary motions for expropriation of the Highlands (even with compensation if necessary).

Meanwhile, the increasing number of former farm laborers under the ruthless redundancy programs Europeans had initiated in their various enterprises, including the number of returning detainees as well as the former Mau Mau 'escapees' (who for over seven years had remained in hiding in the forest) forced the government to inevitably reckon with. Moreover, due to the fact that there were at that time more applications for settlement than the land available could accommodate, the government later expanded its settlement program by introducing several small-scale farmers' schemes. The most notable among these were (a) A Million-Acre Scheme; (b) the Squatter Settlement Program; (c) the Harambee Settlement

Program; (d) the Ol'Kalou Salient; (e) Large-Scale Co-operative Ranches and (f) the 100-Acre Farms.

A. The Million-Acre Scheme:

Contrary to the Uhuru Government's claim that settlement schemes, and particularly the One-Million-Acre Scheme are a genuine attempt to embark upon the first stage of taking over European-controlled Highlands to provide farms for the landless Africans, the evidence on hand shows that they are nothing of the kind. Evidently, there is nothing original in this plan first announced by Secretary of State for the Colonies, Reginald Maudling, in July, 1960, on his return to London from his fact finding mission to Kenya. All that Maudling did was to announce the proposal first initiated to him by European settlers themselves, together with their political and financial advisors in both Kenya and Britain.

After the Kenya African National Union (K.A.N.U.) declined to form a coalition government in 1961 until Kenyatta was unconditionally released from detention, the Kenya African Democratic Union (K.A.D.U.) agreed to join hands with the European settlers in April 1961 to form a minority coalition government. The latter along with some European settlers soon began conferring with the

British Government about implementing the settlers' proposal of purchasing European mixed farms for landless Africans, "the total value of which was put at L45 million".³ By November 1961, the Daily Telegraph reported that:

Improvements in the scheme for settling 200,000 Africans in farms to be bought from Europeans in the White Highlands of Kenya have resulted from discussions in London between the British and Kenya Governments....⁴

It continued:

...Sellers will get half of the price in cash and the rest in three equal annual installments. The bonds can be met in sterling by a London bank acting as agent for the Kenya Government, instead of only in East African shillings in Kenya....⁵

The value of land under European cultivation in Kenya is estimated at L135 million, of which about L45 million is used for mixed farming while the rest consists of plantations. The scheme would apply to about one-ninth of the mixed-farming land.⁶

In fact, Mr. Patrick Wall, M. P., one of the Tory diehards, proposed in the British Parliament early in

³The Daily Telegraph, "Better Terms for Kenya White Farms," November 21, 1961.

⁴Ibid.

⁵Ibid.

⁶Ibid.

April, 1960, (three months before Maudling announced supposedly "his" scheme) that "the British Government purchase one million acre of European land in Kenya for L30 or L40 million".⁷ On May 10, 1960 The Times reported that "a sum of L30 million had been mentioned as the purchase price for all European mixed farms", and claimed that this would be between L15 and L25 million short of their theoretical value. Then it revealed the secret that "negotiations were still at a delicate stage, but were understood to have made encouraging progress".⁸

At the same time, European settlers were exerting pressure on Britain by raising the value of their mixed-farming land from L45 million to L75 million. On August 6, 1962, The Times revealed once again that the Maudling scheme was indeed under discussion as early as March 1962. In that day's issue appeared in the following despatch from European settlers in Kenya:⁹

The plan for a really large settlement scheme for Africans in the former White Highlands was in fact jointly put forward at the Lancaster House Conference in London in March 1962 by the Kenya Coalition Parliamentary Group, the Kenya National Farmers' Union and the Convention

⁷The Times, April 6, 1960.

⁸The Times, May 19, 1962.

⁹The Times, August 6, 1962.

of Farmers' Associations. The only change from that plan is that the time of purchase originally put forward was three years instead of the present five and that a total of two million acres should be bought in five years.

The above despatch was signed by L. R. Maconochie Welwood, Delamere, President Kenya National Farmers' Union (K.N.F.U.), and H.B.W. MacAllan, Vice-Chairman, Convention of Associations.

Five years was the original period proposed by Colonial Secretary Mr. Maudling. However, his successor, Duncan Sandys reduced it to one-million acres to be purchased in four years (i.e. up to 1966; however, this did not materialize until the end of 1970). Neither Maudling nor Sandys mentioned the purchase price, but Mr. Bruce McKenzie then Kenya's Minister for Agriculture, later estimated it would be about L18 million. Two members of the Kenya Coalition Party (the voice of the die-hard settlers) Mr. David Cole and Mr. L. R. M. Welwood, were invited to London to discuss the proposed price. The invitees pressed for the 1959 price index.

For decades, the buying and selling land among Europeans in Kenya had forced land values up to an extremely artificial high level. For instance, in 1945, the land value in Nairobi, the capital, went up from

L4 million to L48 million in 1959! Mr. Norman Leys gives a bright example of one farm of 540 acres in Kiambu being sold to the Government in 1903 for L85, two years later, it was sold to another farmer for L640. This farmer bought machinery and made improvements estimated to cost L5,000 and in 1913 the farm was sold to a rich buyer for L17,500 -- two hundred times the original price! No wonder the author remarked:

No supporter of the existing system would dispute the fact that most of the 10,000 square miles of alienated land was alienated in exchange for sums that were ridiculously trivial compared with the prices prevailing in the free market at the time of sale.¹⁰

In 1952 the minimum price proposed for European land in the "White Highlands" was L18 an acre, which the white settlers procured in free grants or for a maximum of 1½d. per acre.

Early in 1955, in the last stages of the armed struggle by landless Africans (otherwise referred to as 'Mau Mau'), the European settlers were still quite confident they would reserve the Highlands for themselves forever. At a meeting in the Nanyuki district they vowed:

¹⁰Norman Maclean Leys, KENYA (London: The Hogarth Press, 1925), p. 151.

The sanctity of the white Highlands is an ideal for which we are prepared to fight if necessary, and therefore issue a solemn warning to the Government of the United Kingdom that any move on their part to alter existing conditions under which land therein is only available to European ownership and occupation will be met by all means at their disposal.¹¹

Officially, this scheme came into being during October 1962. It applies to the semi-productive areas in the former 'White Highlands'. The program included also farms purchased and settled under what the government called "Assisted Owners Scheme". In other words, the scheme was primarily intended for peasant farmers with little or no money. During its initial stages, the program was divided into eighty four small schemes, all situated in what the government called 'high density area'. Each scheme covered approximately 10,000 acres, and comprised about 300 small farms with an average of 3 to 12 acres per peasant farmer. These farms were designed to provide the farmer and his family with subsistence living, with an annual net income of L25 to L40 or L75, after repaying any government loans. Over 1964-67, a sample of High Density Schemes showed roughly over 80 percent of the

¹¹London Times, January 31, 1955.

land was allocated to grazing and about 20 per cent of the land allocated to cash and subsistence crops, such as maize (corn) and millet, rising over that period from 6 per cent to 12 per cent. Because of inadequate funds and acreage, hiring of labor in these farms was impossible.

The principal financiers of this undertaking were:

(1) the British Government (H.M.G.); (2) West German Government; (3) International Bank for Reconstruction and Development (World Bank); (4) Land Bank and Agricultural Finance Corporation; (5) Kenya Government, and (6) The Commonwealth Development Corporation (C.D.C.).

The Million Acre Scheme was divided into about 135 settlement schemes totalling approximately 33,500 plots with a population of about 170,000 formerly landless persons. The estimated expenditure from June 30 1966 to December 31, 1970, was as follows:¹²

¹²Republic of Kenya: Department of Settlement, Annual Report 1970, p. 12.

TABLE 16
ESTIMATED EXPENDITURE OF THE MILLION-ACRE SCHEME AS AT 31st DEC. 1970
(1000)

	To June 30 1966	1966/67	To June 1967	To December 31, 1970
	KL	KL	KL	KL
Land Purchases:				
Million-Acre Scheme	9,034	324	9,358	10,751
I.B.R.D/C.D.C. Schemes	1,951	19	1,970	1,902
Harambee Scheme				109
Development Loans:				
Million-Acre Scheme	2,985	360	3,345	4,778
I.B.R.D/C.D.C. Scheme	1,094	194	1,288	2,027
Harambee Scheme				59
Administrative Expenses	5,188	912	6,100	9,270
Ol' Kalou Salient Purchase of land and Development Expenditure				
Total	20,252	1,809	22,061	2,236 31,142

To meet the above expenditure, the following grants and loans were received by December 1971:

	<u>Grant</u> L000	<u>Loan</u> L000	<u>Total</u> L000
British Government	10,541	11,284	21,735
West German Government	--	1,218	1,218
I.B.R.D.	--	1,080	1,080
C.D.C.	--	676	676
Land Bank & A.F.C.	--	1,355	1,355
Kenya Government	2,810	2,356	5,166
Total:	<u>13,261</u>	<u>17,969</u>	<u>31,230</u>

Settlement of Families on the One-Million Acre

Scheme: The following is the number of families settled on the 'One-Million Acre Scheme' in succeeding years:¹³

<u>Year</u>	<u>Families</u>
1962-1963.....	5,200
1963-1964.....	10,500
1964-1965.....	8,000

The above figures show that while the rate of settlement in 1963/64 doubled that of 1962/63, it fell by about 31 per cent between 1964 and 1965. It was hoped that the 'Million-Acre Scheme' would be completed by the end of

¹³Department of Settlement - Kenya. Annual Report 1964-1965: Director's Report, p. 1.

1966 at the cost of L9,303,756 broken up in the following sequence:¹⁴

<u>Year</u>	<u>Acres</u>	<u>Price Paid</u>
1960-1961	3,824	46,732
1961-1962	148,514	809,658
1962-1963	211,088	1,749,293
1963-1964	360,008	3,981,495
1964-1965	<u>276,636</u>	<u>2,716,578</u>
Total:	<u>1,000,070</u>	<u>9,303,756</u>

A most appalling trend emerges from the figures of land transferred outside the settlement scheme which the Uhuru Government claims to have accomplished since independence. For instance, by 1964, Europeans held 249 farms which had at least 5,000 acres each. These made up 8.4 per cent of the large farms and had 60.3 per cent of the land in the large estates. With their 4,098,000 acres, their average holding was 16,458 acres, or 25.7 square miles. Furthermore, of the 1965 transfers, more than half of the farms were acquired by Europeans, while Africans acquired less than forty per cent. Of the 1,185,299 acres

¹⁴Ibid., p. 3.

of land transferred, European individuals and companies acquired 635,182 acres, as the following figures show:¹⁵

TABLE 17

LAND TRANSFERS OUTSIDE THE SETTLEMENT SCHEMES BY 1965

	Africans	Europeans	Asians	Total
Individuals	62,502	159,777	5,503	227,782
Cooperatives	122,297	---	---	122,297
Partnerships	171,860	38,000	17,087	226,947
Companies	110,596	437,405	60,322	608,273
Total:	467,205	635,182	82,912	1,185,299

A racial breakdown shows, therefore, that Africans acquired 39 per cent of the total, Europeans 54 per cent, and Asians 7 per cent. Further analysis reveals that of the total land area sold to individuals, as shown above, (excluding companies), about 70.14 per cent was acquired by Europeans, Africans 27.44, and Asians 2.42. This means, therefore, that land transfer program which was assumed to have been formulated by the Uhuru Government for the sole benefit of Africans is indeed not true. Many Europeans and a few Asians who apparently received compensation from the

¹⁵Oginga Odinga, *op. cit.*, p. 261.

Government for the loss of service and land are the ones who are benefiting from the program, and not the poor landless Africans.

The Million-Acre Scheme was originally set at the end of 1966 as a target period for completion; but by June 30, 1967, not only 30,000 acres still remained to be purchased, but over 100,000 acres remained to be demarcated. The failure to meet the target period was attributed to several reasons: (1) inefficiency on the part of the administration. Many of the administrative advisors were former European farmers. (2) the demarcation work in the field by contractors was both slow and inadequate because, for one thing, Soil Conservation Unit withdrew its machinery and support from many settlement projects; (3) lack of a parallel organization on the accounting side; (4) due to a hardening of the land market, and reluctance on the part of many European landlords to accept the land purchase offers made to them; (5) the amount of loan issued and the re-payment condition; (6) lack of expansion of the scheme and poor method employed in selecting candidates.

In 1966, a Joint Kenya/British Government Mission -- the Van Arkadie Mission, was appointed to investigate

problems encountered in the One-Million-Acre Scheme. The Mission's report suggested a number of ways in which the program could be improved, and through which experience gained from this scheme could be used to improve new settlements. As a result of the Mission's recommendations, a number of changes were initiated by the government. In particular, the Kenya Government combined both Low Density and High Density Schemes for settlement and administration. By the end of 1969 the Department of Settlement reported that "99 per cent of the 33,354 plots in the ambitious scheme had been settled, and there were approximately 165,000 formerly landless persons raising cash and subsistence crops on 135 settlement schemes."¹⁶ And by the end of 1970, the same source reported that "34,032 plots had been demarcated out of which 33,873 had been settled by the end of the year."¹⁷

¹⁶Republic of Kenya, Department of Settlement, Annual Report 1968/69 (Director's Report), p. V.

¹⁷Republic of Kenya, Department of Settlement - Annual Report 1970 (Director's Report), p. vii.

Summary: When more Settlement Schemes were launched by the Uhuru Government, these were first divided up into three principal categories: (1) small settlement schemes, (2) medium size settlement schemes and (3) Large-Size Settlement Schemes. Later, these were reduced to two; the 'Peasant Settlers' Scheme' --- comprising the first scheme, and 'Yeoman Settlers' Scheme, which combined the last two. The Yeoman Settlers' Scheme was later changed to 'Assisted Owners' Scheme.

The success (or failure) of these schemes depended, for the most part, on these factors: the availability of funds (as working capital, and for compensation), willingness on the part of the departing settlers to cooperate with those being re-settled, and managerial skill on the part of those being re-settled.

The small Settlement Schemes (or 'Peasant Settlers' Scheme) was divided into (a) One-Million-Acre-Scheme, (b) the Squatter Settlement Program, (c) the Harambee Settlement Program and (d) the Ol'Kalou Salient. Both of the Medium Size Settlement Schemes, and the Large-Size Settlement Schemes, were combined into Large-Scale Co-operative Ranches and the 100-Acre Farms, respectively.

The study noted that the One-Million-Acre-Schemes,

which were announced in April by the Secretary of State for the Colonies, Mr. Maudling, were in fact suggested by the European farmers, and not by the Uhuru Government as originally claimed. The idea behind this venture was to change the old Africans' demand for total ownership of the Highlands, to partnership with the Europeans. And although it first seemed as though the European farmers were genuine with this offer, what actually emerged was that the scheme was situated in the high density area. The participants were settled on an average holding of 3 to 12 acres per person, at a target net income of L40. In essence, what Africans emerged with in this scheme was a bone rather than a piece of flesh.

This scheme was first hoped to be completed by the end of 1966. However, owing to administrative and financial difficulties, the completion was not realized until 1970.

Following the recommendations of the Van Arkadie Mission Report, which investigated the problems experienced in the Million-Acre-Scheme, the Uhuru Government combined both Low Density and High Density Schemes for proper settlement and administration.

By the end of 1969, the Department of Settlement reported that 99 per cent of the 33,354 plots in the one-million-acre scheme had been settled on 135 settlement schemes by some 165,000 formerly landless persons. And, by the end of 1970, the government reported that 34,032 plots had been demarcated out of which 33,873 had been settled.

The Low Density Schemes: These comprise 35 schemes for farmers with some experience and substantial capital. Each scheme has an average farm size of 11 hectares, while some schemes had a total of about 5,000 acres with about 130 slightly larger farms of about 37 acres each designed to provide subsistence, loan repayments, and an average income of L100 per farm per annum. These have also 16 large-scale co-operative farms or ranches. Co-operative farms and ranches are run as medium-scale unit, primarily because they are situated in areas where the land is considered to be suitable on a low density farming. Altogether, these large farms and ranches are planned to cover an area of about 72,000 hectares of land to accommodate about 1,700 families. These schemes have been financed by the Kenya Government, British Government, the International Bank of Reconstruction and Development

(World Bank), West German Government, and the Commonwealth Department Corporation (C.D.C).

From 1964 to 1967, farmers on Low Density Schemes allocated approximately 85 per cent of their land to grazing and the remainder to cash and subsistence crops, with the proportion of 13 per cent allocated to maize (corn). These farmers reported hiring roughly 20 per cent to 30 per cent of their labor. It is significant, however, to note that only 12 per cent of the farmers actually achieved the target income above.

By mid 1968, nearly all projected Low Density Schemes had been started, while about a half dozen High Density Schemes and three of the Large-scale Co-operative farms still remained to be established. Twenty-five million pounds had been spent on this program by the same date. Of this, about L 10 million had been received from the British Government, part of it as a grant, the rest was a loan. Eleven million was received from a variety of undisclosed overseas sources, and about L 3.5 million from the Kenya Government funds.

Of this amount L1.3 million was used for development loans for settlers' co-operative societies. Small

Farm Schemes are characterized by varying degrees of dispersion of holdings. By the end of 1969, there were about 139 settlement schemes of various sizes. In 1963, the large farms ranged from 20 to over 50,000 acres in size; the average was over 2,000 acres. The general pattern of a few very large units and numerous smaller ones is shown by the fact that 16.5 per cent of the holdings covered nearly 73 per cent of the total Large Farm Area, whereas over 50 per cent of the farms has less than 1,000 acres as the following tables show:

TABLE 18

SIZE DISTRIBUTION OF LARGE FARM HOLDINGS IN KENYA, 1963¹⁸

Size of Holdings in Acres	Per cent of Total Holdings	Per cent of Land Area
20 - 124	16.2	0.4
125 - 499	18.4	2.2
500 - 999	20.8	6.2
1,000 - 2,499	20.5	18.3
2,500 - 9,999	12.8	27.7
10,000 - 49,999	3.3	32.6
50,000 and over	0.4	12.6

¹⁸Kenya Ministry for Economic Planning, Economics and Statics Division, Agricultural Census 1963, Large Farm Areas 1963, Table 4.

TABLE 19

SIZE OF DISTRIBUTION OF SMALL FARM HOLDINGS IN¹⁹
CENTRAL AND NYANZA PROVINCES OF KENYA 1961

Size of Holdings in Acres	% of Total Holdings % of Total Land Area			
	Central Nyanza		Central Nyanza	
Under 2.5 Acres	32.4	22.8	9.7	3.5
2.5 - 4.99	32.4	24.8	25.6	9.6
5.00 - 7.49	18.4	14.5	22.9	9.5
7.50 - 9.99	7.6	8.7	13.3	8.1
10.00 - 14.99	5.9	11.7	14.2	15.0
15.00 and Over	3.3	17.5	14.3	54.3

The same census showed the correlation by average number of persons supported per acre by District/Province.

These were as follows:

¹⁹Kenya Ministry for Constitutional Affairs and Economic Planning, Economics and Statistics Division, Kenya African Agricultural Sample Census, 1960-1961, Part 1, pp. 20-21.

TABLE 20

NUMBER OF AFRICANS SUPPORTED PER ACRE BY DISTRICT/PROVINCE: 20

District/Province	SIZE OF ACRES							Total
	Up to 2.49	2.50 to 4.99	5.00 to 7.49	7.50 to 9.99	10.00 to 14.99	15.00 and Over		
Kiambu	8.14	10.00	10.66	13.45	18.28	11.75	10.45	
Nyeri	5.11	4.92	6.01	8.24	18.09	23.28	6.23	
Fort Hall	5.25	6.21	8.91	8.62	9.70	11.09	6.39	
Embu	--	11.30	14.23	13.59	13.27	13.59	12.92	
Average Central Province	6.23	7.37	10.20	11.78	15.87	13.98	8.58	
Elgon Nyanza	5.00	7.12	7.90	8.51	7.80	11.23	9.14	
North "	5.02	6.50	7.78	8.60	8.82	10.55	6.93	
Central "	5.36	6.03	6.89	6.55	8.26	9.91	6.66	
South "	5.00	7.33	7.80	8.03	11.25	10.78	8.18	
Kericho	4.98	4.66	5.55	7.15	6.46	7.59	6.26	
Average Nyanza Province	5.16	6.41	7.22	7.67	7.96	10.39	7.23	
Nandi	4.27	3.82	3.79	5.04	4.82	5.73	5.08	
TOTAL								
AVERAGE ALL AREAS	5.54	6.70	8.08	8.51	8.87	10.04	7.51	

20Kenya: Ministry for Constitutional Affairs, and Economic Planning, Economics and Statistics Division, Kenya African Agricultural Sample Census, 1960-1961, p. 55.

Summary: The 35 Low Density Schemes were designed for farmers with substantial capital and experience. Each scheme has an average farm size of 11 hectares. Each farm was intended to provide the owner with an average annual net income of L100. Some of these farms were turned into co-operatives or ranches. A total of 72,000 hectares of land was made available to accommodate 1,700 families.

The small holders of the Low Density Schemes had less agricultural experience, but had to be able to pay legal fees plus a down payment ranging from 10 per cent to 50 per cent of the price of the land and any capital improvements it might have contained. The remainder of the cost of the land, plus general development financing, was covered by meager loans from the Agricultural Finance Corporation (AFC), and other financial institutions.

The study concluded by observing that many of these young farmers also began to experience realities of hardships in land distribution, loan repayments and farm production.

B. The 'Yeoman' Scheme:

This was also established in 1960 along with the one-million-acre scheme. Each selected 'farmer' received holdings between 100 and 200 acres along the periphery of the Highlands, with a target annual net income of L250 and with considerable capital.

The scheme was not at all intended to make any significant changes on the old grip over the Highlands, but rather somehow 'cool off' the old African agitation for a drastic change. This was a very cleverly calculated political arithmetic on the part of the European farmer politicians who knew that it was only the African politicians and a few businessmen who, after assuming political 'power' and influence if not properly checked by inviting them to join the European settler group, could have destroyed the old status quo in the Highlands.

Carey Jones, a former senior European expatriate, observes that this scheme:

was intended to be on the periphery of the European areas and to be merged later with the African Reserves for administrative purposes, since it was assumed that peasant settlement would be similar to African landholding in the Reserve.²¹

²¹Carey Jones, Anatomy of Uhuru, p. 151.

He continued to state that the scheme:

was thus intended to give these areas a small dose of African ownership which was not too great to be absorbed by the community. It was to be operated as an offshoot of the Board of Agriculture (Scheduled Areas) -- the European farmers' board -- and under the same chairman. It would preserve the larger-scale European Agriculture.²²

He elaborates:

The essential need was to make a demonstrable attempt to satisfy African land hunger but to maintain the European economy on which the wealth of the country was based and from which any future development must grow....In order to ensure this, the new African settlers were required to have money and agricultural experience before they could be accepted for the scheme....Would this be enough to appease African land hunger? If it were, then European farming could continue, and the future seemed reasonably assured.²³

Because of the economic attraction the scheme offered to some ambitious African politicians and some semi-wealthy recipients, the government was pressured to accept it.

The same author again observed:

...eventually the large houses caught the eyes of the new politicians and a scheme was devised for setting aside a 100-acre farm around each large house and offering the lot to 'important' people. This had the advantage of committing

²²Ibid., p. 152.

²³Ibid.

the leaders, including many minor leaders, to the scheme, since any free distribution or seizure of land would also involve their holdings.²⁴

But the official Government Report described this venture in the following words:

Great efforts were made in disposing of permanent improvements, particularly standard houses which the Government decided would be offered together with 100 acres to form single units. These units were sold to the wealthier members of the community who could afford to make a 10 per cent deposit at the time of purchase and who could prove that they were able to raise an additional £500 working capital to finance the project as a supplementary contribution to development loan finance made available to them.²⁵

This scheme was later renamed "Assisted Owner Scheme". It is both interesting and disturbing to note that the government was sympathetic with these "wealthier members of the community" by offering them such big plots of land, and a 90 per cent loan -- a policy which did not include the poor peasants. The Settlement Report of 1963-1964 stated inter alia:

²⁴Ibid., pp. 164-165.

²⁵Kenya Department of Settlement, Annual Report 1964-1965 (Government Printer, 1966), p. 31.

By direction of the Cabinet a new policy was started towards the end of the year whereby the better class houses on large-scale farms had a 100-acre holding planned them, regardless of the size of the plots in the remainder of the scheme. This was done so that the house and the 100-acre holdings could be sold to a leader of the community such as a member of the Central Assembly or a Senator, etc.²⁶

The Government acquired also some funds from the British Government as well as the 'World Bank' to assist new 'farm-lords'. The Colonial Development Corporation (C.D.C.) and the 'World Bank' then issued the following statement explaining that their funds were directed to finance development loans to settlers in the first two schemes only:²⁷

- (a) Assisted Owners Scheme for Experienced farmers: with substantial capital; each holding to be sufficiently large to provide the settler and his family with subsistence, the means of meeting his financial obligations and a minimum annual net income of L250;

²⁶Kenya: Department of Settlement, Annual Report 1963-1964 (Nairobi: Govt. Printer, 1965), p. 5. (On January 5, 1967, the Kenya Senate and the House of Representatives merged to form the Unicameral National Assembly of Kenya).

²⁷World Bank Mission Report, The Economic Development of Kenya, 1963, p. 83.

- (b) Small-holder Settlement Scheme: for experienced farmers with some capital; each holding to provide for subsistence, financial obligations and a minimum annual net income of L100 (the target under the Swynnerton Plan in the non-scheduled Areas);
- (c) Smallholder Settlement Scheme: for Africans with limited capital and agricultural knowledge; to provide subsistence plus a minimum annual net income of L25-40.

Summary: The Yeoman Scheme was established in 1960. Each selected African 'farmer' received between 100 and 200 acres including residence building and agricultural equipment attached to the farms. Each farmer was expected to earn subsistence plus L250 net income per annum. The financial institutions were also prepared to offer assistance.

As expected, the prospective recipients were local politicians and a few wealthy business men. The study noted that this was a political arithmetic on the part of the European settlers to use these Africans for their own economic gain. This political arithmetic was well rewarded.

C. The Harambee Settlement Scheme:

This program, which assumed Kenya's motto "Harambee" meaning united effort -- was planned to start in 1967. Its aim was to settle between 300 and 400 families on a number of small farm areas. When it was launched, the Government hoped to complete it around 1968, but owing to continued administrative difficulties resulting mainly from former European settlers who were part of the administration, and whose ideas and objectives were against Africans taking over the land, the scheme was temporarily abandoned until the beginning of 1969.

Coupled with numerous difficulties, the government was forced to cancel all Harambee Schemes except one at Ol'Arabel, consisting of an area of about 428 plots of land. This land was supposed to accommodate some 396 new farmers with an average size of about 1.08 acres per farmer (or family), with a target cash income of between L40 and L75 per annum.

D. Ol'Kalou Salient:

This land totalling about 130,000 acres was originally owned by 104 European settlers who, in 1964 and 1965, were bought out by the Uhuru Government with the purpose of expanding it, and turning it to large scale co-

operative farming units under the managership of Salient - one of the former European owners.

By 1968, the scheme had a total cost of approximately L 1,950,000. The scheme was hoped to accommodate about 2,000 families. The Salient scheme was later divided up, and some various commercial and industrial interests acquired some of the land. For instance, the East African Breweries (a European owned enterprise) acquired approximately 3,000 acres needed for barley and ranches.

According to the Government's Development Plan for the period 1966-1970, 100,000 acres of land were transferred for settlement, out of which 80,000 acres went to the large African farmers (the 'haves'), and 20,000 acres to the peasant farmers (the 'have-nots'). In other words, the Government clearly demonstrates an open neglect of the needs of the landless peasants.

E. The Squatter Settlement Scheme:

The squatter problem in Kenya is as old as colonialism itself, which involved the alienation of African land by the influx of European settlers. Some of the Africans who became destitute as a result of losing their land, resolved to 'squat' on the "European settler farms". Few of these were 'granted permission' by the European farmers to continue living on these farms providing they supplied their labor power to their 'European boss'. Those who did not get such permission were subject to eviction with or without due notice. The problem of eviction and unemployment continued throughout the colonial era -- especially during the Mau Mau emergency.

Shortly after independence, with the Uhuru Government's continued policy of land consolidation and registration, the squatter problem did not appear to have been solved or eliminated. Many complaints were raised by the displaced families and their political representatives as well as sympathisers such as Bildad Kaggia and Oginga Odinga (both longtime political colleagues of Jomo Kenyatta). As a result, the Uhuru Government decided to develop a 'squatters' settlement program on low cost lands acquired through utilization of forest land and taking over of idle

and mismanaged lands. The scheme was merely to provide destitute peasants with small acres of land -- averaged between 1.5 hectares per family. The provided land was expected to yield an annual income of approximately L.25 to L40 per family per annum. It was reported that the selection procedure of those to be settled under this program was very poorly executed. Authority for nominating persons to be offered settlement plots was vested in a few self-seeking hands. Ann Seidman noted, for instance that:

Although the labourers who had formerly been working on each farm were originally expected to receive priority, the final approach was apparently to remove all those who were not members of the tribe to which the settlement was to belong. From those remaining, only those who had worked there for four years were permitted to stay....The rest were forced to leave, not infrequently to "squat" on neighbouring large farms from which they had to be removed, in some cases by police action.²⁸

Following continued criticism of the Uhuru Government's continued colonial action against the squatters, in 1965, the government established a "Special Commissioner for Squatters" within the Ministry of Agriculture, subsequently referred to as the Ministry of Lands and Settlement.

²⁸Ann Seidman, "The Agricultural Revolution", East African Journal, Vol: 7, No. 8, August 1970, p. 25.

The Commissioner was vested with responsibility to tackle the squatter problem. Consequently, the Commissioner established a Squatters' Scheme and immediately began to register and to settle squatters. By 1968, the Ministry of Lands and Settlement registered approximately 46,000 squatters, and it was intended that all these would be placed on squatter settlement schemes.

"By the end of 1968 approximately 13,000 of these squatters had been settled on a total of 29 squatter settlement schemes in the Central, Coast, Eastern and Rift Valley Provinces. That is, only 28 per cent had been settled since the program's inception. The costs of the Program were to be recovered from the peasants over a period of years."²⁹ Each holding was based on the equivalent of 2.4 hectares per settler or a total of about 59,000 hectares of land. Apparently, the Government made "no special arrangements to supply the squatters with development loans for the purchase of livestock, housing, fencing or other improvements".³⁰ This means that these

²⁹Republic of Kenya, Development Plan 1970-1974, p. 207.

³⁰Ibid.

settlers were expected to manage their own affairs without help from the government.

Co-operative Development: Cooperative farming is not new in African traditional life. Culturally, cooperation is viewed as the best and most suitable means of pooling the people's resources and their labor for the betterment of all. The Uhuru Government therefore established co-operative farms where economic and ecological factors led to the conclusion that it would be unwise to fragment the land and farm individually. By 1966, 15 such co-operative farms had been established. These ranged in size from 130 acre coffee co-operative with 50 members to a 41,257 acre beef cattle ranch with 90 members.

Available evidence suggests that majority of the cooperative membership are European settlers who form "shadow" partners, and who also form the real source of funds with which to run the co-operatives, since the bulk of original African laborers could not afford to pay for shares of ownership. By 1964, 8.4 per cent (249 farms with ~~over~~ 5,000 acres each) held 60.3 per cent of the land in the large farms. Their average size was 25.7 square miles.

Most of the African members of these schemes are indeed government officials or business men who had made money in politics, trade or transportation. Studies indicate that in some cases these people deposited as little as 40 to 50 per cent of the purchase price of the land from their own resources and then borrowed the rest from the government or the commercial banks. Further study indicates that by 1966 Africans belonging to co-operative societies owned 750 large-scale farms averaging about 800 acres in size. However, it was also noted that these new owners had little working capital with which to operate their farms efficiently. As a result, many farms deteriorated.

Between 1968 and 1969, a total of 125 cooperative societies had been registered, "consisting of nine co-operative farms, eight co-operative ranches, one coffee society, 105 mixed farming societies and two unions -- They had approximately 31,000 members".³¹ The total turnover in 1969 of the societies, amounted to Shs. 48,514,530.44, an increase of 36 per cent over 1968 as the table below indicates.

³¹Department of Settlement, Annual Report 1968-69, p. 8.

Although co-operative societies do show a tendency to grow in size and activities, nevertheless, they have been subjected to government scrutiny and discouragement, partly because of their threat to the established European farmers who still fight for agricultural monopoly, and partly because of their own inefficient management, and also their lack of financial resources. For instance, out of a total Land Loan issued during 1966 of L.952,000, of which L670,000 were granted to High Density Schemes, L281,000 to Low Density Schemes, the Co-operative societies received only L 1,000. The government said:

...a high proportion of co-operatives have been inefficiently managed, although strenuous efforts are now being made to remedy this situation; but where alternative market institutions exist and co-operatives cannot compete effectively, the Government does not intend to give them any special protection....³²

Writing about the co-operatives' difficulties, Odinga indicated that "co-operatives are required to make a down payment of 50 per cent of the purchase price, and only then do they qualify for loans from the Land Bank."³³ The rate of interest is equally very high and that "there is no moratorium for repayments: repayments must start six months from the date of the loan, which

³²Republic of Kenya: Development Plan 1970-1974, p. 198.

³³Odinga Odinga, op. cit., p. 260.

puts a heavy burden on new farmers trying to develop".³⁴

In its defence the government issued a report in which a number of co-operative societies' pitfalls were summarized. The report stated:

Mismanagement of societies' affairs are common owing mainly to reluctance to employ adequate and experienced staff capable of running the societies' affairs properly Many members do not understand the principle of the Co-operative movement. Lack of financial management and control, planning and co-ordination are other major problems which have to be solved. Fraud, embezzlement, and mis-appropriation of the Societies' funds have been proved in some cases....³⁵

Settlement schemes have also been hampered by the lack of transportation and communication facilities -- especially roads. This was very noticeable, for instance, in 1969 -- as the official government report observed:

The condition of roads in the settlement is a cause for concern. Although all access and secondary roads were constructed to a reasonable standard during the initial layout of the schemes, no provision was made for subsequent maintenance

³⁴Ibid.

³⁵Republic of Kenya: Department of Settlement Annual Report, 1965-1966, p. 10.

by either the county councils or the Ministry of Works. Attempts to organize self-help efforts by the settlers have failed.³⁶

Training Facilities for Co-Operatives: Co-operative societies require strong guidance in running their affairs. For one thing, it is imperative to train the staff with co-operative advisory knowledge, and also to train the managers or individuals responsible for the day-to-day running of the societies. In addition to financial difficulties and lack of appropriate infra-structural facilities, African farmers have also been confronted with shortage or lack of knowledgeable personnel.

By 1970, the Kenya government had established 29 conventional Farmers' Training Centers in the major agricultural districts where training was spread over a period ranging between two days and two years (a rather insufficient period), as well as a wide range of other courses are taught at these centers. In 1969, for instance, 4,496 students attended the following six Field Training Centers:³⁷

³⁶Department of Settlement, Annual Report 1968-1969, p. 13.

³⁷Republic of Kenya: Department of Settlement, Annual Report 1968-1969, p. 4.

<u>Training Center</u>	<u>Area</u>	<u>Number of Students</u>	<u>Total Students Days</u>
Lugari	Western Prov.	1,962	10,535
Njabini F.T.C.	Kinango	1,076	6,422
Ol'Joro Orok F.T.C. (to March 1969)	Thomson's Falls	988	5,138
Machakos F.T.C.	Machakos	189	1,323
Wambugu	Nyeri	275	958
Naro Surra F.M.T.I.	Baringo	6	540
	Total:	<u>4,496</u>	<u>24,916</u>

TABLE 21

PRODUCTION MARKETED THROUGH CO-OPERATIVE SOCIETIES
(in Shillings)

Crop	To May 31,			
	1963	1963/64	1964/65	1965/66
Milk	293,835.60	2,357,420.00	5,697,140.00	8,610,200.00
Butter-fat	320,342.50	1,149,840.00	1,318,300.00	1,989,400.00
Pyrethrum	173,173.00	452,480.00	2,198,420.00	8,572,500.00
Wheat	---	64,260.00	644,400.00	623,900.00
Maize (Corn)	19,410.00	25,600.00	123,960.00	674,000.00
Wool	---	21,940.00	193,700.00	650,800.00
Coffee	---	64,800.00	211,400.00	479,100.00
Cattle	---	---	1,167,360.00	1,066,500.00
Hides	---	3,640.00	4,240.00	*
Manure	---	33,340.00	64,200.00	*
Vegetables	---	100.00	227,840.00	*
Sugar Cane	---	---	---	*
Barley	---	---	---	-
Others**	---	168,380.00	425,960.00	825,800.00
Totals	806,761.10	4,341,800.00	12,277,120.00	23,552,600.00

*Included in "Other" in 1965/66

**Firewood, Charcoal, etc.

***Included in "Others" in 1967/68

TABLE 21

MARKETED THROUGH CO-OPERATIVE SOCIETIES FROM 1963-1968³⁸
(in Shillings)

1963/64	1964/65	1965/66	1966/67	1967/68
357,420.00	5,697,140.00	8,610,208.50	10,380,222.71	13,069,052.95
149,840.00	1,318,300.00	1,989,473.47	2,095,291.77	1,956,377.11
452,480.00	2,198,420.00	8,572,529.13	15,937,685.45	22,093,294.26
64,260.00	644,400.00	623,914.44	1,362,216.55	918,725.50
25,600.00	123,960.00	674,069.30	1,926,605.48	3,354,670.47
21,940.00	193,700.00	650,858.13	654,972.20	714,751.47
64,800.00	211,400.00	479,158.27	506,611.60	548,793.51
---	1,167,360.00	1,066,576.09	755,551.15	1,267,810.25
3,640.00	4,240.00	*	2,283.55	***
33,340.00	64,200.00	*	68,604.00	***
100.00	227,840.00	*	176,566.00	452,651.25
---	---	*	1,705,828.78	3,729,721.74
---	---	---	---	98,471.12
168,380.00	425,960.00	825,821.08	66,547.61	310,210.81
341,800.00	12,277,120.00	23,552,608.41	35,638,987.25	48,514,530.44

in 1965/66

etc.

in 1967/68

Department of Settlement - Five-Year Review and Annual Report 1967/68.

Co-operative Bank of Kenya: This was established during 1968. By June (of the same year), "63 societies had subscribed a total of Sh. 18,900 to the Bank's share capital".³⁹ However, the Settlement Fund Trustee (S.F.T.) has been the principal source of loan funds for settlement co-operatives for capital expenditure. For instance, during 1967, 30 societies borrowed a total of Sh. 7,575,484. In order for agricultural co-operatives to qualify for a Land Bank Loan, the co-operative must raise at least 40 per cent of the total cost of the farm. So far only very few of the registered farm co-operatives have been able to raise funds for the stipulated percentage.

And even the majority of those successful ones cannot strictly be called co-operatives. As one observer indicated:

Since a majority of the subscribers are absentees, these farm purchase co-operatives are in fact companies; to be true co-operatives, the members would all be sharing in the work.⁴⁰

³⁹Republic of Kenya, Department of Settlement, Five-Year Review and Annual Report 1967-1968, p. 15.

⁴⁰National Christian Council of Kenya, Who Controls Industry in Kenya? (Nairobi: East African Publishing House, 1968), p. 245.

Another co-operatives' pitfall is their dependence on capital equipment acquired by means of hire-purchase agreements with high interest rates as it is rather difficult to subscribe necessary funds to buy their own equipment.

Summary: This study showed that the purpose of co-operative development was to produce and to market the cash crop with which it was concerned -- export crops such as coffee, tea, sisal and pyrethrum; or the major cash crops destined for internal consumption: maize (corn), millet and wheat. However, many cooperatives acted as outlets for agricultural machinery, seeds and fertilizers. There are few consumer cooperatives, however.

The study also indicated that majority of the members of the marketing co-operatives are European farmers as well as wealthy and influential Africans. Majority of the small African farmers belong to consumer co-operatives. Because of the influence the marketing co-operatives are able to exert on the Government, the latter, therefore, considers development of consumer co-operatives secondary in importance to that of the marketing co-operative societies.

With regard to co-operative training, the government has established conventional Farmers' Training Centers in

major agricultural districts. By 1970, 29 such centers had been established where training was spread over a period ranging between two days and two years. By 1969, for instance, about 4,500 students attended six Field Training Centers.

In 1968, a co-operative Bank of Kenya was established by 63 societies, with a capital of Sh. 18,900. However, full utilization of this bank proved difficult since it was stipulated that in order for agricultural co-operatives to qualify for a Land Loan, at least 40 per cent of the total operative cost must be raised.

Another co-operative pitfall is the inability of the members to raise enough funds to buy their own farm equipment. As a result, the members depend, for the most part, on capital equipment acquired by means of hire-purchase-agreements with high interest rates.

F. Credit Programs for African Small-scale Farmers:

The government's land consolidation and registration was seen as a pre-requisite to agricultural development. Likewise, capital injection was necessary in order that the maximum development may be obtained from the newly created conditions. Consequently, during financial year 1959/60, the International Co-operation Administration, (I.C.A.), subsequently renamed the Agency for International Development (A.I.D.), made a grant totaling L225,000 to the Government for use as a revolving fund for loans to various bodies for agricultural development in the African "Reserves". However, in the following year, more funds were received from the British Government which were voted to areas above 4,000 feet with an annual rainfall exceeding twenty-five inches. As a result, it was then resolved that the funds received from the I.C.A. revolving fund would be used exclusively in those areas excluded from the other program. (that is, areas below 4,000 feet, and those above this height with an average annual rainfall of twenty-five inches or less). By the middle of 1964, it was noted that approximately 426 loans had been made under this program, involving a total sum of L29,769.

In 1960/61 financial year, the International Bank for Reconstruction and Development (World Bank) agreed to provide assistance to African farmers providing that the Kenya Government provided L3 for every L1 the I.B.R.D. granted. With this understanding, L391,136 were loaned, and 3,903 farmers were provided with assistance. During 1962/63 additional funds were obtained from the West German Government and 2,185 individuals were helped.

It should be stressed, however, that under all these programs, loans were made not only to small African farmers, but also to large farmers irrespective of race. Indeed, loans, grants and advances to the latter group took up the greater portion since the agency directly responsible for administering these funds -- Department of Agriculture -- was headed by Bruce McKenzie, one of the European settlers. This Department continued to administer such funds until September 1963, when the Agricultural Finance Corporation (A.F.C.) took over this task.

When application for loans were made by individuals through agricultural committees, which made their recommendations before passing them on to the Central Agricultural Board (C.A.B.) in Nairobi for consideration, the loaning authority made a charge on those approved -- by

requiring the borrowers to surrender whatever security the borrower could offer, including anything that could be given "through the back door". Usually, this took the form of a charge on the registered land, a general chattels mortgage.

Credit From Commercial Banks: There was no proper arrangement by the financial institutions, nor the government how loans should be granted to African farmers by the commercial banks in Kenya. Individuals simply apply to their local manager who, in general, can grant or refuse applications at his discretion. Even when a loan has been granted, the funds are handed over to the recipient who then uses them as he wishes.

Usually, loans to African farmers are short-term ranging from one year to one-and-a-half years. Repayment is in even monthly instalments. Furthermore, banks prefer to lend only to those individuals with permanent or regular employment to ensure repayment, thus discriminating against those with irregular income, particularly the farmers, as a report to the Kenya Government indicated, inter alis:

the banks prefer to lend to those individuals who have an existing, regular source of cash income, which is usually derived from non-

farming sources. This fact implies that a significant proportion of the credit advances made by the banks go to individuals, who personally devote only a part, probably the lesser part, of their time to farming.⁴¹

In 1963, the World Bank Mission advocated the channeling of its funds primarily to relatively large-sized capitalist farming units for wealthy Africans, indicating in effect that "it would prefer to see more done for those Africans qualified as 'experienced farmers' with substantial capital."⁴²

In some instances, however, some banks offer grants to those who agree to surrender title to their land as security. In the event of default, the bank assumes title of same and sells it to anyone who has the money with which to pay the outstanding balance. In some cases, the forfeited land is sold at a profit. Consequently, a farmer who does not intend to risk his land title, is placed at a definite disadvantage when seeking a loan

⁴¹Report of Kenya: Report of the Mission on Land Consolidation and Registration in Kenya 1965-1966, p. 125.

⁴²World Bank Mission Report, The Economic Development of Kenya (Washington: John Hopkins Press, 1963), p. 83.

from commercial sources. For one thing, interest rates swing like a pendulum, and no ceiling to the amount which can be advanced in this way. And more important, there is no proper provision accorded to weather conditions. All these factors have placed most African farmers in a bad situation, although they may be trying their best to make proper use of the title farms they have acquired. The following table shows the direct loans to small-scale farmers up to 30th June, 1964.

TABLE 22
DIRECT LOANS TO SMALL-SCALE AFRICAN FARMS UP TO 30th
JUNE, 1964⁴³

Source	No. of Loans	Amt. Advanced
1. Kenya Government (ALDEV)	1,336	77,506
2. I.C.A. (A.I.D.)	426	29,769
3. I.B.R.D.	3,903	391,136
4. West German Government	2,185	175,508
Total	7,850	673,919
Tea development loans	19,775	500,000*
TOTAL ALL LOANS	27,625	1,200,000*

*Approximate

⁴³Republic of Kenya: Report of the Mission on Land Consolidation and Registration in Kenya, 1965-1966, p.

Summary: The study noted that the commercial banks are so far the only financial institutions which grant loans to African small-scale farmers. Neither the government nor the financing institutions have proper arrangements how loans should be granted to African Small-Scale farmers. Therefore, problems encountered in administering loans for small-scale farmers have been very serious.

Usually, loans are short-term, ranging from one year to one-and-a-half years. Furthermore, banks prefer to lend only to those individuals with permanent or regular employment. As a result, those without permanent or regular employment (who, in fact, should be given more assistance), are left destitute.

Up to the present time, only about one per cent of the Kenya's small-scale farmers have received medium-term development loans -- which average about 5 years.

Conditions attached to the granting of these loans are very severe. For instance, applications for such loans are approved only where the applicant(s) provides land title deeds or collateral for the loans. The moratorium granted to them does not exceed six months before beginning to repay the loans. Some farmers have found such conditions difficult to accept.

G. Credit for Large-Scale Farmers:

By and large the majority of the large-scale farmers are still European settlers. There are a few African bourgeois who, as a result of their position have money or influence to acquire large farms. Consequently, it has not generally been difficult for either the government or the commercial banks to make necessary supplies of credit available to them. Again, most large-scale farmers, have access to long-term loans for land purchase (usually repayable over 20 years), and medium-term -- sometimes called 'development loans' -- for purchasing livestock, machinery and erection of fencing or small buildings, and planting of coffee. These loans are repayable over periods ranging from 5 to 15 years. In addition, short-term loans exist as advances on the Minimum Financial Return (M.F.R.), for the purchase of seeds, fertilizers, etc.

So far, very few loans either from the Land Bank or other sources have been made available to the relatively poverty-ridden Africans who wish to acquire some large farms in the former 'Scheduled' or 'Special' Areas (former White Highlands). In many cases purchasers of large-scale

farms (especially those without close friends or relatives 'among the elite'), rush and put all or most of their funds into the price of land and have little to operate with or improve it. This happens mainly because of two principal reasons: (a) land hunger on the part of Africans, who, on hearing of availability of land for purchase (and since the rate of transfer of land from the European owned to African is very slow) rush without any consideration of any consequences and (b) because of the influence learned from the European settlers to the effect that it is only those with fixed assets (such as land) that have the influence in the running of the country.

Consequently, commercial banks have deliberately ignored the African peasant farmer (the 'have nots') in favor of the large-farmers (the 'haves'). For instance, in 1964, agricultural loans amounted to only L7.242 million, (from the commercial banks) 70 per cent of which went to the medium and long-term loans (the 'haves'). Only 30 per cent were lent for short-term crop financing (the 'have nots'). Bank authorities' neglect of the small farmer is due to the fact that the latter does not possess the requisite collateral or other assets to qualify as a

sound credit risk, primarily, because he has very negligible acreage of land which is in most cases unproductive. Therefore, even if the lending authority were to repossess it, they would not sell it at a good profit. This is what the lending authority calls the 'conventional credit criteria'. But one is bound to ask whether such criteria are relevant in a situation of a developing nation based for the most part on small-scale agriculture or whether credit-worthiness should be assessed in terms of capacity to produce rather than by the value of property owned. By 1966, the banks had not indicated that any significant change in their credit policy had occurred, or would occur in the near future. Thus, the government was left with the task of providing for the financial needs to most of the small African farmers.

Summary: Granting of loans to Large-Scale farmers is far more marked and easier than to the small-scale farmers, as already explained. This is mainly due to the fact that many of the Large-Scale farmers are Europeans and influential Africans (who are mainly politicians).

These farmers have access to both medium-term loans (or development loans), and long-term loans (or land purchase loans). The long-term loans are repayable over a

period of twenty years, while medium-term loans are payable over periods ranging from five to fifteen years. In addition, short-term loans exist as advances on the Minimum Financial Return (M.F.R.), mainly for the purchase of seeds, fertilizers, etc.

H. Problems Encountered By Farmers Regarding Repayment of Loans:

One of the major difficulties of settlement schemes as a whole, seems to be the large burden of debt under which each new farmer operates. Regardless of the productivity of his land, his own level of ability, and uncontrollable factors, such as bad weather, poor transportation and communication, or loss of animals through disease, the farmer is still expected to meet his loan obligations. Otherwise he loses his land. Furthermore, because some schemes are overcapitalized; that is, too much capital invested in the so-called big farms, without proper management and planning, most of the borrowed funds are spent on relatively unproductive channels. At the end of 1968, for example, "62 per cent of the amount due from large-scale farmers for development loan repay-

ments was in arrears by six months or more".⁴⁴

The government outlined several reasons why many borrowers have found it difficult to meet their loan obligations:

1. In the past the A.F.C. (Agricultural Finance Corporation) has not always been able to scrutinize loan applications very carefully, primarily because of shortage of suitably trained and experienced staff. Thus some loans issued were not well planned and did not result in farmers obtaining sufficiently increased incomes to meet the loan repayments requirements;
2. Many of the new farmers have not had either enough capital or managerial skill to operate large-scale farms;
3. Numerous partners all wanted to stay in management;
4. Sometimes inappropriate repayment conditions that farmers were expected to meet. In particular, long and medium-term loans have been repayable in equal annual or six-monthly instalments throughout the repayment period. However, it takes time to develop a farm to anything approaching its full potential, and these repayment conditions have made it difficult for farmers to meet their obligations in their first few years of farming.⁴⁵

⁴⁴Republic of Kenya: Development Plan 1970-1974, p. 215.

⁴⁵Ibid.

For over a decade, loan repayment has remained considerably low. For instance, during 1963-1964 period, "out of a total of L162,073, due to the Settlement Fund Trustees in respect of repayments, a sum of L102,868 was repaid, i.e. some 64 per cent."⁴⁶ This is how the situation looked up to 1968:

At the end of 1966 a total of KL 1.7 million had been billed to settlers, but 55.7 per cent of this amount had not been paid at that date and 23.1 per cent had been in arrears for one year or longer. At the end of 1968 a total of KL 3.9 million had been billed to settlers, but 43.7 per cent of this amount was in arrears and 23.7 per cent had been outstanding for one year or more. Thus while there had been some improvement in the proportion of loan repayments paid, the absolute amount outstanding had grown considerably. At the end of 1966 more than KL 900,000 was in arrears, whereas this amount had grown to KL 1.7 million by the end of 1968. Similarly, the amount outstanding for 12 months or more was only about KL 400,000 at the end of 1966 but this had increased to KL 900,000 by December, 1968.⁴⁷

Despite all efforts by the Settlement staff to encourage settlers to repay their loans by way of deductions made to their proceeds received from their farm produce -- such as milk, the loan repayment percentage dropped from 59.60

⁴⁶Department of Settlement, Annual Report 1963-1964, p. 54.

⁴⁷Republic of Kenya, Development Plan 1970-1974, p. 204.

per cent in 1968 to 54.5 per cent in 1969. The following table illustrates the trend of annual loan repayments collected during the period 1963 through 1969.⁴⁸ In other words, what the table demonstrates, is that the problem of loan repayments has neither been resolved nor improved.

TABLE 23.

ANNUAL LOAN REPAYMENTS COLLECTED DURING THE PERIOD
1963 THROUGH 1969⁴⁹

Year	Amount Billed	Amount Paid up to date	Percentage Paid
	L	L	
1963-64	163,073	102,868	63.00
1964-65	737,737	371,735	51.08
1965-66	1,745,513	800,321	45.09
1966-67	2,659,131	1,559,149	57.91
1967-68	3,940,535	2,360,152	59.60
1968-69	5,169,023	2,867,448	54.45

Although the government seems to be convinced that the economic factor derived from settlers' meager income is the main reason that affects this rather deteriorating deficiency, the political factor seems to be equally important. Some African farmers think that the Uhuru Gov-

⁴⁸Republic of Kenya: Department of Settlement: Semi-Annual Report, 1969, p. 1.

⁴⁹Republic of Kenya: Department of Settlement, Semi-Annual Report 1969, p. 1.

ernment headed by Kenyatta entered into an economic and political ineptitude or absurdity with the British Government. These new African farmers while signing for the loans they receive indicate that the loans will in the future be repaid. However, they view loan repayment simply as a betrayal on their part by the African politicians. These loan recipients thought that they had recovered their once lost land, and that the money given to them was indeed a reparation from the British for the period their kith and kin unlawfully held their land.

Percentages of loan repayments covering the period from 1963 to 1970, show that there has been very little, or no improvement, as the following figures show:

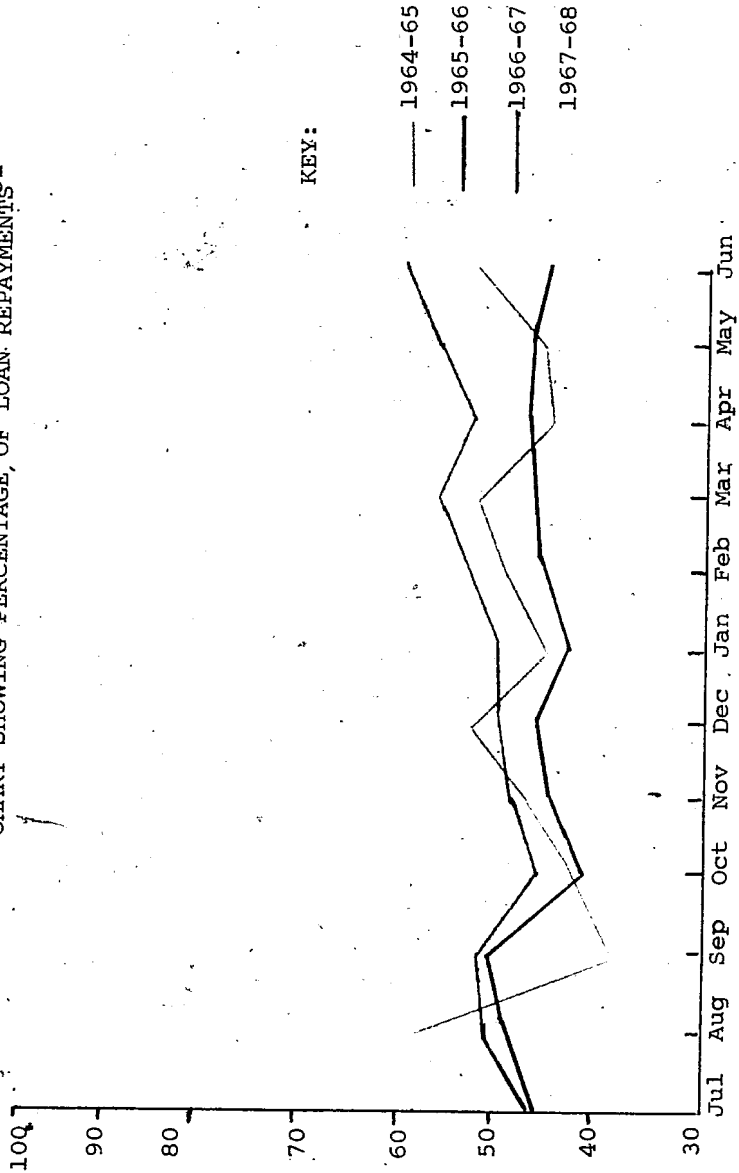
Loan Repayment Position⁵⁰

<u>Year</u>	<u>Percentages</u>
1964-1965	47.08
1965-1966	45.57
1966-1967	57.91
1967-1968	59.60
1968-1969	59.27
1969-1970	41.33

As a result, efforts to increase the collection of loans and the confiscation of land of the defaultees were intensified by the Uhuru Government.

⁵⁰Republic of Kenya, Department of Settlement, Annual Report 1970, p. 59.

CHART SHOWING PERCENTAGE OF LOAN REPAYMENTS⁵¹



KEY:

- 1964-65
- 1965-66
- 1966-67
- 1967-68

Year	Average % Repayments
1964-65	47.08
1965-66	45.57
1966-67	57.91
1967-68	59.60

Billing Months
Sept.
Dec.
Mar.
Jun.

⁵¹ Republic of Kenya: Department of Settlement: Five-Year Review and Annual Report 1967/68, p. 36.

Their sentiment was expressed by Ann Seidman when she said:

Some Kenyans questioned the necessity of paying these debts -- roughly half the total -- incurred to repay the British for purchasing land from the former expatriate owners. In their view, the British Government was, on its own initiative, paying the foreigners for land which it had seized unlawfully from the Africans in the early 20th Century; since for the most part the money was merely repatriated back to the United Kingdom, it simply constituted a transfer of funds between British citizens. They argued that there was no reason why the Africans, upon recovering their land, should be required to repay the British.⁵²

President Kenyatta is reported to have lashed out bitterly about peoples' 'refusal' to repay the loans. He said "men with poisoned mouths are going round the villages telling people who get Government Loans to refuse to repay them."⁵³ On June 22, 1965, the government promulgated amendments to Agricultural Act regarding loan repayment which meant:

to give the Settlement Fund Trustees additional powers to enforce the recovery of advances made to the settlers in respect of land purchase

⁵²Ann Seidman, op. cit., p. 25.

⁵³Kanya Land Settlement, Annual Report 1964-65, p. 31.

loans and development loans which, due to the delay in the issue of title, have not been secured upon any land. In future, loan repayment instalments which are not repaid will be deemed to be civil debts recoverable summarily under the Debts (Summary Recovery) Act and the debtor, on judgment being given against him, will be liable to either a sentence of imprisonment not exceeding six weeks or render him liable to the attachment of his property or salary. The Settlement Fund Trustees in those cases where loan repayments are in arrears for more than six months will be able to terminate a settler's interest in the land and take possession of that land.⁵⁴

On learning of the continued deterioration of loan repayments despite the above Act, President Kenyatta reviewed the reasons. Numerous complaints were presented to him. The main complaint centered upon the existing six-months moratorium period after which the new farmers were to start repaying their loans; and the short period during which all loans were to be repaid.

I. Transportation and Communication: In addition to inadequate marketing facilities, "poor communications, especially poor roads, have also affected the settlement schemes."⁵⁵ For instance, it proved very difficult to

⁵⁴Kenya Land Settlement, Annual Report, 1964-1965, p. 31.

⁵⁵Republic of Kenya: Development Plan, 1970-1974, p. 206.

transport sugar cane from the fields to the factory.⁵⁶

As a result, there was a surplus of overmature unharvested sugar cane. The government reckoned that poor management of the transport system coupled with inadequate or poor equipment and funds were responsible.

Summary: In this study, we noted that in general, it has not been possible to supply enough credit to many farmers (small-scale and large-scale alike). This is because the loan repayments received on many of the loans which have been issued have been very seriously in arrears.

The following are some of the economic reasons reported to have contributed to this state of affairs: (a) In the past, the Agricultural Finance Corporation (AFC) has not always been able to scrutinize loan applications very carefully primarily because of a shortage of suitably trained and experienced staff. Thus, some loans issued were not well planned, and did not result in farmers obtaining sufficiently increased incomes to meet the loan repayment requirements. (b) Many of the new African farmers have not had either enough capital or managerial skill

⁵⁶Ibid.

to operate large-scale farms. (c) Inappropriate repayment conditions that farmers were expected to meet. In particular, long and medium-term loans are repayable in equal annual or six-monthly instalments throughout the repayment period.

Besides the economic factors, there are political reasons also. Some African farmers think that the Uhuru Government entered into an economic and political absurdity with the British Government over loans, grants and compensation. To the Africans, the recovery of their land, and the money given to them was indeed a reparation from the British for the period their kith and kin unlawfully held their land.

Estimated expenditure on settlement area roads during the period from 1965 to 1970 was as follows:

Year	<u>Settlement Area Roads</u>	<u>Tourist Roads</u> ⁵⁷
	L	L
1965-66	---	30,000
1966-67	50,000	150,000
1967-68	200,000	260,000
1968-69	100,000	294,000
1969-70	<u>100,000</u>	<u>300,000</u>
Total:	<u>450,000</u>	<u>1,034,000</u>

⁵⁷ Republic of Kenya: Development Plan 1966-1970, p. 284.

Consequently, "on 23 May, 1967, His Excellency the President announced that all settlers settled after that date would be allowed a two year moratorium before having to pay their first instalment."⁵⁸ It was also announced in that same year that the Settlement Fund Trustees-- an arm of the Department of Settlement, "in accordance with powers vested by virtue of Section 174 (3) of the Agriculture Act, a total of 76 plots from chronic loan defaulters, out of a total of 135 recommended by the Loan Defaulters Sifting Committee, were represented by the Trustees during the year and the original allottees evicted"⁵⁹; also "in May 1969, 14 chronic defaulters from eight different schemes were evicted".⁶⁰ The following steps were also announced in the Development Plan for the period 1970-74,

1. The extension services are being improved and a large-scale training centre has been established at Thomson's Falls; and another similar centre will be opened shortly at Eldoret.

⁵⁸Department of Settlement, Annual Report 1966-1967, Director's Report, p. 1.

⁵⁹Ibid.

⁶⁰Ibid.

2. The possibility of rephasing loan repayments so that repayments can be reduced in the early years is also being considered.
3. The Government is also contemplating the possibility of imposing supervision of management on these farms where loan repayments are seriously in arrears.
4. The A.F.C. will not in future encourage farmers to acquire the larger farming units.⁶¹ (which require owners to apply for loan but later fail to repay).

J. Irrigation and Water Supply: Prior to, and even after independence, an inadequate irrigation and water supply has been one of the irritating obstacles to Africans' agricultural potential. Early attempts to build small dams, drill bore holes, pump water from rivers near plantations, or sink wells did not succeed apparently due to lack of funds and greater concern on the part of the administration. Kenya's irrigation potential is estimated to be more than 400,000 acres of land. By 1969 only about 15,000 acres had so far been irrigated. Between 1959 and 1970 low-cost irrigation projects were provided in areas such as Mwea-Tebere, Perkerra, Galole, Upper and Lower Tana, Kano, Bunyala and Ahero; all covering approximately 400 acres of land.

⁶¹Department of Settlement, Semi-Annual Report, 1969, p. 1.

Irrational politics rather than economic well being of the masses seems to have overwhelmed the 'leaders'. In 1965, for instance, the Soviet-Kenya agreement for the former to sponsor the irrigation scheme for the Kano Plain near Kisumu (Odinga's province), was abruptly cancelled when the Kenyatta-Odinga political feud erupted. Between 1969 and 1970, the following areas of land were under irrigation:⁶²

<u>Project</u>	<u>Hectares</u>	<u>Expenditure</u>
Mwea Irrigation Scheme	3,890	L 237,000
Perkerra " "	570	---
Galole " "	570	80,000
Ahero Pilot Project	810	55,000
Kano	--	82,000
Yala Swamp	3,750	51,000

All irrigation is under the supervision of the Water Development Division in the Ministry of Agriculture with advice from its two agencies: the Water Apportionment Board and the Water Resources Authority. By 1967-68, ten agricultural schemes were supplied with water reticulation systems. These included, among others, Sabatia Complex and Passenga Scheme. Three more reticulation systems were

⁶²Republic of Kenya, Development Plan 1970-1974, pp. 228-232.

completed by the end of the 1968-69 period. Altogether, the system covered approximately 1,986 plots on sixteen schemes. By December, 1969, it was reported that a total of 26 schemes were supplied with fresh water, covering about 4,228 plots. Installations of the 'Little Nzoia Water Project' was underway towards the end of 1969. Designs for other water projects were being done for Kaptagat Elgeyo border, and South Kinangop schemes. It was hoped that "when all projects have been completed, they will represent an investment of more than KL700,000,⁶³ most of it coming from I.B.R.D./C.D.C.

In addition, the government also initiated self-help water schemes. For instance, between 1964 and 1968, "the people completed more than 3,400" such schemes, "comprising nearly 2,000 springs, about 800 wells, 400 dams and catchments, and 230 piped water supplies."⁶⁴ Since independence, development expenditure on rural water supplies is said to have averaged less than

⁶³Republic of Kenya: Department of Settlement, Five-Year Review and Annual Report 1967/68, p. 17.

⁶⁴Republic of Kenya, Development Plan, 1970-1974, p. 371.

KL 100,000 a year.⁶⁵ But while this effort has certainly brought improvement of water supplies and benefits to farmers, the government's policies of financing and organization made it possible to meet only a small fraction of water requirements. The inability to meet water requirements in the agricultural areas of the country has been primarily due to the following obstacles:

1. Up till now, responsibility for developing and operating water supplies has rested with local authorities, most of whom have lacked the technical and financial resources for this work;
2. terms of financing water schemes have not been sufficiently flexible to take account of local conditions, while development funds for water projects have been insufficient;
3. there has been a continuing shortage of skilled manpower and an inadequate central organization for water development.⁶⁶

The government's Development Plan 1970-1974 reported that "the country's irrigation potential is estimated to be more than 160,000 hectares of high potential land.... At present only about 6,000 hectares of land is irrigated."⁶⁷

⁶⁵Ibid., p. 370.

⁶⁶Ibid., p. 371.

⁶⁷Kenya Development Plan, 1970-1974, p. 228.

Summary: In this study, we noted that Kenya still experiences poor roads and poor communications. Because of this, it is difficult to carry out satisfactorily settlement programs, especially in so far as transportation of sugar cane and other produce from the fields to the factories or to the ports for export.

Furthermore, inadequate irrigation and water supply has been one of the irritating obstacles to Africans' agricultural potential. And although there have been some attempts to alleviate this problem, however, these efforts have been hampered by lack of funds, and serious concern on the part of the administration.

CHAPTER VIII

AN OVERVIEW OF THE UHURU GOVERNMENT'S LAND POLICY

A. Public Opinion:

Views expressed by various people including many African members of the Kenya Parliament do indicate that the Uhuru Government's land policy is unpoplar. These views relate in particular to (a) the overall land policy; (b) the amount of money new African peasant farmers are obliged by the government to raise before their applications for settlement are accepted; (c) the continued eviction of so-called "squatters"; (d) present purchase of the Kenya Highlands by foreigners; (e) the Government's failure to establish a control of the size of land holding; (f) loans and repayments; (g) training; (h) irrigation and water supply.

The period between 1965 and 1967, will be remembered by Africans of Kenya as the one of intensive debate in Kenya Parliament over the government's overall land policy. The following are excerpts of the speeches some members of Parliament (many of whom were government back-benchers) said about the land question:

Z. Anyieni, M.P. (Majoge-Bassi Constituency):

...Government must be able to know that the reason why people became members of Mau Mau was because they were told that if they became Mau Mau the people would take over the land. The reason why Mr. Kenyatta's name is very big among the people of Kenya is because he told the people of Kenya that if they followed him he would bring them Uhuru and the land would no longer belong to just a few Europeans.¹

The member then remarked:

We want to make it very clear, Sir, that the idea of using the African people to join us with winning independence and then change after independence, and claim it just for ourselves, take my word for it, it is wrong.²

GICHOYA, M.P. (Gichugu) had this to say:

although the war in Kenya which was known as the Mau Mau war motivated by the desire to free this country, the principal aim of this war was to put the land back into the hands of the Africans. This was understood by everybody, because people had been removed from their own homes and made squatters. Consequently, the only method for the ordinary person was to understand that he had a duty to fight for the liberation of his country, that he was fighting in order to get back what had been taken from him.³

¹Republic of Kenya, House of Representatives, Official Report, February 26, 1965.

²Ibid.

³Republic of Kenya, House of Representatives, Official Report, April 2, 1965, Col. 1154.

MASINDE MULIRO, M.P. (Kitale):

As regards the Ministry of Agriculture, today it is virtually impossible for any African to buy a farm in Rift Valley, because Africans are being called upon to raise 50 per cent of the cost price of the farm before they can borrow from the Land Bank another 50 per cent ...this is just directly saying, "we do not want to transfer land from the hands of Europeans into the hands of Africans."⁴

MAKOKHA, M.P. (Busia):

...It is a well known fact that Kenya politics have been revolving around the land, and will continue to do so in the future.

...We remember the other day in this house, in the gallery, somebody asking in the gallery "Where is Uhuru"? ...this very man specifically pointed at the hon. Koinange and the Hon. Odinga. I believe he did so because of the past utterances of these two gentlemen. They used to say that land in Kenya belonged to the black African....This man must have wondered what UHURU or freedom was when the Africans were still being evicted from their own land. The Africans were still squatters on their own land.⁵

⁴Republic of Kenya, National Assembly, Official Report, June 27, 1967.

⁵House of Representatives, Official Report, February 26, 1965.

Perhaps the most articulate and most persistent opponent of the Uhuru Government's land policy is Bildad Kaggia, a long time friend and political colleague of Mzee Kenyatta.⁶ Kaggia bitterly opposed the Government's treatment of African agricultural laborers (squatters) on European farms who were subject to eviction and the loss of their property despite the fact that some had claimed to have been living on such farms for many years as laborers. The eviction situation grew out of proportion when the Uhuru Government decided to buy out the panicked Europeans who wished to leave the country.

Those willing to sell their farms first demanded that 'his' laborers who had been 'squatting' on his farm ought to leave or be forcibly evicted. Most of these declined to leave -- indicating that the long years they had lived

⁶Kaggia was among the five top Kenya African Union executives arrested together with Kenyatta on the eve of Mau Mau Emergency on October 20, 1952. All were tried together, imprisoned for seven years' hard labor and then detained. Kaggia became Assistant Minister of Education in the Kenyatta's Uhuru Government, but later in 1965 resigned because of sharp differences with Government's land policy. He later became Vice President of the opposition party -- The Kenya Peoples' Political Party.

on the farms granted them a right to claim part of the land, if the Uhuru Government was to assume control of same. Kaggia argued that the Uhuru Government's action of evicting these people showed that it was behaving exactly like its colonial predecessor when Africans used to be herded by the Government and evicted from their dwellings in order to give room to the European influx.

One noted example of Uhuru Government's action over the 'squatters' is illustrated by Jacob Oser. He observed that in Machakos District a European, who owned 2,672 acres of land and had an African labor force of 160, had his farm bought by the Uhuru Government for the settlement of co-operatives at a cost of L74,000 including his livestock and machinery.

When the time came to select 200 members for the new cooperative, none of the original labor force were included, even though many workers had been employed on the same farm for 15 to 20 years and one had been employed for 51 years.⁷

Ann Seidman also observed a similar incident when she said:

Although the labourers who had formerly been working on each farm were originally expected

⁷Jacob Oser, op. cit., p. 189.

to receive priority, the final approach was apparently to remove all those who were not members of the tribe to which the settlement was to belong. From those remaining, only those who had worked there for four years were permitted to stay. This is estimated to have provided land for about forty per cent of the total number of former labourers. The rest were forced to move, not infrequently to "squat" on neighbouring large farms from which they had to be removed, in some cases by police action.⁸

In this memorandum to his Cabinet colleagues, with a copy to the Press, dated April 14, 1964, Kaggia angrily declared:

Everyone in this country is very well aware of the land hunger that has existed among Africans as a result of the robbery of their land by the British Colonial Imperialists. The logical method to solve the problems passed by this robbery would have been to nationalize all big estates owned by Europeans and make them either state farms, so as to alleviate unemployment, or hand them over to cooperatives formed by landless Africans.

Every day we hear of hundreds of poor help-
less African families evicted from farms on
various excuses. Many of these victims have
lived in the farms for years with the knowl-
edge and permission of the farm-owners. Even
many of the so-called illegal squatters set-
tled in the farms as contractors: given con-
tracts to clear the bush or as charcoal-burners.

⁸Ann Seidman, "The Agricultural Revolution", East Africa Journal, Vol. 7, No. 8, 1970, p. 25.

Many of these contractors were also given pieces of land to cultivate by the settlers themselves. But now, whenever a settler wakes up from his day dreams and reports to the police, these poor Africans are termed illegal squatters and physically thrown out on the roads. These inhuman settlers are not only evicting the TRUE SONS OF THE SOIL, but are also destroying their crops, making our poor brothers beggars in their own country.

On April 20, 1964, Kaggia wrote another memorandum; this he addressed to all Cabinet members, in which he said:

...I feel very strongly on this question and it is my personal view that the Government must rethink on the Settlement Scheme, if we are to solve the problem. The intention of the Settlement Scheme was primarily to relieve landlessness. But, today, with the prevailing craze on the part of the settlers, to sell their lands to the Board, every settler is trying to get rid of African squatters from his farm at the earliest possible time, which means that, every time a farm is bought by the Board, more Africans are made not only landless but homeless than can be settled on the land. This exercise is not only creating more and more homelessness but it is also ruining the agricultural economy of the country, as the small fragments under individual farming cannot equal the big estates in production. I therefore think it is high time the Government changes the emphasis from small holdings to cooperative farming.¹⁰

⁹Oginga Odinga, op. cit., pp. 263-264.

¹⁰Ibid., p. 265.

President Kenyatta rejected outright Kaggia's assertion in spite of the fact that Kaggia had proposed an investigation and analysis of his allegation. On May 22, 1964, President Kenyatta expressed his anger in the following letter addressed to Kaggia:

Having carefully considered the contents of both these documents, I regret that I can draw no conclusion other than that the Press Release is a general criticism against the Government's policy of discouraging illegal squatting on private property....

The circular letter addressed by you to Ministers was inaccurate and misleading. Settlement is not, as you state, ruining the agricultural economy and creating homelessness; the statistics available show that settlement has not only given settlers higher income and better homes, but it has also resulted in many schemes, with agricultural production being much higher than it was in pre-Settlement day.¹¹

Furthermore, I am seriously concerned at your repeated attacks on the policies of the Ministry of Lands and Settlement, and with

¹¹Kenyatta apparently did not offer any statistics to support his statement; but, according to Ann Seidman, "The small farm sector's share of total marketed agricultural produce was reported to have risen from 25 to 26 per cent of the total from 1963 to 1967", which means therefore, that only 1 per cent increase was achieved between these years which was very infinitesimal indeed. (Ann Seidman, op. cit., p. 24).

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your interference with land consolidation at Fort Hall....

...If a Parliamentary Secretary is unwilling to support and accept collective responsibility for any of the Government's acts or policies, the only course open to him is to resign....¹²

In June that year Kagia resigned as Junior Minister, explaining that he found it impossible to ignore the wishes of his electorate, including the land they fought for. He and others refused to abandon their concern about the Uhuru Government's land policy. On February 26, 1965, for instance, he delivered the following speech in the Parliament:

...the question of eviction has been a great social evil which has been troubling this country for a long time, I may say from the time of the Emergency. Many of us believed that soon after independence, this social evil would be removed completely from the face of our country, but it is surprising...to note that eviction has become more frequent since independence than before independence. As we all know... this is the sort of thing that is really increasing our difficulties in this country. These evictions do not only increase unemployment in this country but do bring a lot of social complications into the lives of our people, before I go on...it is very important

for this House and the country as a whole and the world to know the policy on which K.A.N.U. and other previous parties in this country had struggled for so many years and on which they have fought and won election. Our policy... has been that the land in Kenya belonged to the African people and this land was stolen from us. This is the policy not the slogan as many people tend to make us believe. We have used this for all these years as a policy and in fact it has been the backbone of our political struggle...we have been surprised to see that whenever a Minister goes on a farm he says, "we assure you, settler, you have nothing to fear, you are here forever, we depend on you, without you we cannot live", and not a single Minister...has said that without the labour on these farms we could not live. We have only a few hundred settlers in this country, they could not farm if they could not get these labourers -- not a single Minister or Government representative has said this....¹³

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Kaggia ended his speech with a suggestion that a legislation to protect agricultural workers be brought before the Parliament. He also appealed to the House Members to repeal the words "illegal squatter"; the legislation, he said, should make it positively the right of the African workers to remain on the land until another alternative has been found by the Government. Thus, it would be unlawful for any settler to evict any person from his home

¹³Republic of Kenya: House of Representatives, Official Report, Second Session, Vol. IV, February 26, 1965.

until the Government has found him somewhere else. This appeal was rejected by pro-government members.

Kaggia's views of government's land policy led to an open conflict with President Kenyatta. For instance, early in April, 1965, President Kenyatta at a rally at Murang'a 50 miles from Nairobi, with Kaggia sitting beside him on the rostrum. The President openly accused him of unsettling the people by saying that they should be given land free,

President Kenyatta stared at Kaggia and declared:

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Kaggia, you are advocating free things. What have you done for yourself? We were together in jail with Paul Ngei. If you go to Ngei's home you will see that he has planted a lot of coffee and other crops. Kungu Karumba, who was with us in jail, has built a bus company. What have you done for yourself?¹⁴

Kenyatta then charged Kaggia with "responsibility for the death of Mau Mau fighters who had stayed in the forests in the belief that they would get free land and had been recently killed by troops and police".¹⁵ At almost the same time a K.A.N.U. Government Minister was quoted as

¹⁴East Africa and Rhodesia, April 15, 1965, p. 526.

¹⁵Ibid.

saying: "As far as the question of free land is concerned K.A.N.U. has never, never promised that land would be given away for nothing."¹⁶

Kenya is actively engaged in 'attracting' foreign investors to purchase or lease huge tracts of land for; apparently "there are no laws which prohibit an alien from owning or leasing land."¹⁷

Land in Kenya is held on either a free-hold or lease-hold basis, and is available to industry for periods of 99 years;

In Kenya, one-fifth of the assessed value of the undeveloped land must be paid by the lessee as a lump sum, followed by a yearly payment of 5% on the remaining four-fifths; this rental remains constant during the 99-year tenure.¹⁸

In 1966, Kenya's Commissioner of Lands authorized 1,400,000 acres (2,187 square miles) of land to be for tourism; cattle ranching and game cropping. These would be on lease for at least 45 years subject to renewal. An

¹⁶East Africa and Rhodesia, April 22, 1965, p. 533.

¹⁷"Establishing a Business in East Africa", By Douglas F. Carroll. Overseas Business Reports, U.S. Dept. of Commerce, OBE 66-93, December 1966, p. 5.

¹⁸Ibid.

American company -- The California Packing Corporation is reported to have acquired some 20,000 acres for the purpose of canning pineapples for consumption in Kenya and abroad.

The Uhuru Government's policy which permits non-citizens of Kenya to acquire agricultural land in Kenya -- especially in the Highlands has made several Africans of Kenya to raise their eyebrows. In the Kenya National Assembly, several members have on several occasions questioned the Government on the matter. J. M. Kariuki, M. P. (Nyandarua North) for instance, asked the Minister for Lands and Settlement if he could tell the House:

- (a) why have foreigners been allowed to buy agricultural land in Kenya since independence;
- (b) what was the total number of non-citizens who had bought such land and how many acres had they bought;
- (c) what were the nationalities of these non-citizens who had bought these farms.¹⁹

The Minister of Lands and Settlement (Angaine) replied:

¹⁹Kenya National Assembly, Oral Answer to Question No. 5506 "Buying of Agricultural Land by Foreigners", May 23, 1967.

...If we were to try to stop the sale of land to non-citizens, we should destroy the free market in land and with it the confidence of overseas investors, and this would have a very harmful effect on the economy on the whole country. For instance, the sale of land to non-citizens often results in the buyer bringing in money from outside Kenya to develop that land and such development benefits the whole country, in addition to the investor.²⁰

The Minister then revealed the number of non-citizens and the number of acres involved when he said that:

...the approximate number of non-citizens as individuals, private companies and partnership is 1,335 and the approximate number of acres involved is 973,000.²¹

According to the Minister, this number was broken up as follows: 15 Americans, 1,031 British, 25 Dutch, 44 Greeks, 56 Italians, 10 French, 17 Swiss, 16 Tanzanians and 25 Ugandans.²²

Arising from the above value judgment, the Minister was further asked what economic consideration did the government take into account when it sold part of the Highlands to foreigners ranging from 50 acres to over 200 acres -- which could have been turned over to the landless

²⁰Ibid.

²¹Ibid.

²²Ibid.

Africans. The Minister (for Lands and Settlement) replied that the sale of land is not under the jurisdiction of the government, but rather "that entirely depends on willing seller, willing buyer".²³ When he was further pressed by the Members, the Minister retired to his seat and said that it was the Government secret which, as he put it, "I do not want to disclose to the Members."²⁴

On May 31, 1967, J. M. Kariuki pursued the land question once again. He recalled that, on May 23, the Minister for Lands and Settlement had declared that land was open to foreigners mainly because of (a) attraction to foreign capital, and (b) fear of possible decline in land value. However, Kariuki reminded his colleagues that:

the decision by Africans to transfer the former European land to landless Africans was a fundamental political commitment...quite a good number of Europeans left the country at the time of independence because they did not approve of this...However, now one would ask himself a question: why is it that they are coming back and repossessing more land in Kenya?

²³Ibid.

²⁴Ibid.

It is also known that most of the owners of the abandoned farms have now come back to this country and have taken possession of land again.²⁵

Kariuki dismissed the Government's reason when he said:

In Nigeria, in Ethiopia, in the United States, they do not sell land to foreigners, but if they go there you find a lot of investment. Therefore, this point of bringing foreign capital does not hold water at all.²⁶

The Parliament was in an uproar. Members were in a state of disarray and vexation. Oduya (Elgon North), for instance, recalled that "it is the desire of our people that now we are independent, the land also must be independent of the foreigners".²⁷ According to Oduya, the mistake the Uhuru Government made "was to permit 1,000 foreigners who have bought land since independence in this country, when our people -- you pass through Kiambu going to Teso, on both sides of the road, you will see people living in camps....The problem is that they have not been given the opportunity to own this land that has been given to the foreigners."²⁸ Oduya continued:

²⁵Kenya National Assembly, Official Report, May 31, 1967.

²⁶Ibid.

²⁷Ibid.

²⁸Ibid.

If we are going to allow foreigners, who are coming here as tourists, to come and look around the place and then eventually buy land before they leave the country, this is going to be a very serious precedence The promotion of tourism should not be the promotion of buying land.... The buying of land alone indicates that the government is run from abroad, and is not run by the people of this country. It is not even run from Nairobi. It is not even run by the K.A.N.U. Parliamentary Group. It is not even run from Gatundu or from State House. The Government is run from Washington, Brussels, London, and other places, because the foreigners control the land. This is what we object to... for information of the House, Carlsson, we know, is a safari driver in Europe who came one day to tour a bit in the Nandi Hills and while he was there he went and bought a tea estate. He bought 300 acres while the Nandi people are rotting there, suffering because they do not have the land. This is terrible and horrible. It is a shame to this Government.²⁹

Oduya ended his speech by calling on the Government to resign. Gachago -- Assistant Minister for Lands and Settlement -- in defense of the Government's policy on land replied that he was "sure hon. Members of this House are not asking the Government to set outside the Constitution"³⁰. (Here the Assistant Minister was referring to the free market of land which is provided for by the

²⁹Ibid.

³⁰Ibid.

Constitution). Gachago reiterated to the members:

We should recognize the Constitution. We should recognize the economic stability of this country. I am sure some hon. Members do not want to hear this but it is a true fact. If we say that only Africans are to be allowed to buy land, or we say that other people should not be allowed to buy land, then, what will it amount to is that it may lead up to the complete death of our land economy.³¹

President Kenyatta later affirmed the above view when, while discussing agriculture and the need to take over more big farms from Europeans and develop idle land in the Highlands and turn it to the landless Africans rather than to foreigners, he is reported to have told the then United States Ambassador, William Attwood, that "he didn't feel that more big farms should be taken over."³²

Attwood adds, "He was pleased I bought land in Kenya".³³

Other African Members of Parliament have vigorously called upon the Uhuru Government to control land sales in terms of acreage. This has been voiced in reference to

³¹Ibid.

³²William Attwood, The Reds and the Blacks (London: Hutchinson and Co. (Publishers) Ltd., 1967), pp. 286-287.

³³Ibid., p. 287.

the fact that the few wealthy Asians, Europeans and Africans, because of their financial capability, have had the advantage of buying several acres of land at the expense of the poor peasants. On March 26, 1965 Z. Anyieni, M.P. (Majago-Bassi) tabled the following Motion which was debated on April 2, 1965:

THAT this House notes with great concern the attitude of a few money possessors who are buying as much land as possible in the former Scheduled Areas; and urges the Kenya Government to set up a committee to recommend the maximum increase an individual may be permitted to buy and own in the former Scheduled Area.³⁴

Many Members called this "the most important Motion".

Kaggia, for instance, declared while speaking in the House that "this is a matter which heats my blood".³⁵ He

and his associates opposed uncontrolled individual private purchase of land in the former White Highlands, or outside the settlement schemes on two grounds:

³⁴Republic of Kenya, House of Representatives, Official Report, March 26, 1965.

³⁵Republic of Kenya, House of Representatives, Official Report, April 2, 1965.

They argued the need to settle those landless Africans who were too poor to buy land for themselves; and warned of the dangers of the emergence of a new class of African large-scale land owners who simply stepped into the former European farmers' shoes.³⁶

Kaggia then warned the House:

Since we have obtained independence, the Government has agreed to the policy of willing buyer and willing seller, and all this land which was formerly owned by Europeans has been exchanging hands very quickly. There are many Asians (and new Africans) who have the money, and who have now left their businesses and begun purchasing land because there is no limit on the acreage which can be purchased as long as you have money....If the Government does not consider restricting the acreage, we shall see in a very short time that the European settlers have been replaced by Asian and perhaps a few Africans who have enough money to purchase landIf today, we come and say we cannot restrict the purchase of land and it is all right for the people who have money to purchase as much land as they wish, then, we are betraying our people, the very people who laid down their lives for independence.³⁷

The few who opposed the Motion argued vigorously for the Africans' participation in the process of property accumulation. One Member, Khasakhala (Emukhaya) who took this view, for instance, argued:

³⁶Cherry Gertzel, Politics of Independent Kenya (Nairobi: East African Publishing House, 1970), p. 48.

³⁷Republic of Kenya: House of Representatives, Official Report, April 12, 1965, Col. 1160.

...I think that it is most unfortunate that such a Motion should come to this House, because already...in Kenya today, Africans own their own properties which they are proud of as their own. You cannot say that you are not going to divide the property of someone which belongs only to him as a person.³⁸

The Members' feelings and attitudes toward land were already clearly divided. Those who were in favor of equitable distribution of land vis-a-vis those who sided with the government of letting a few enjoy the freedom to accumulate land and other wealth at the expense of the poor masses. The proponents of the Motion then called for the creation of a special committee which would be empowered to prevent the emergence of the latter by setting a ceiling on land ownership. Cherry Gertzel once again observes:

The independence struggle had been dominated by the determination of the African people to resume control of their lands. Many politicians in those days had told the masses that when independence came the land would belong to them. Since independence, however, it had been a small group of individuals, many of them politicians who had been buying land and amassing large acreages. Others who would like to

³⁸Ibid.

buy land would in the future be unable to do so, because very quickly land would have been taken by a few people. More important, many other Africans would be left landless. To avoid this he (Anyieni, M.P.) argued the Government to set up a committee to investigate methods by which the amount of land any one individual could own, could be controlled, and a maximum acreage (economically viable) established for each part of the country.³⁹

A majority of the Government back-benchers who spoke rejected the proposal to set up a committee; one member argued in support of the Government by "pointing out how much land already been achieved in settling people, and asking Members to give credit where credit was due."⁴⁰ Arguing on behalf of the Government, the Assistant Minister for Lands and Settlement (Gachago, M.P.) distorted the actual intention of the Motion's proponent when he tried to say -- amid interruption from other Members:

What I think and believe is that the Hon. Members are confusing Government projects with the open market in land.

He continued:

The Government of Kenya has rendered its services making it possible to acquire land, and to acquire land as an economic unit. For instance a coffee estate, which is well

³⁹Cherry Gertzel, op. cit., p. 49.

⁴⁰Republic of Kenya, House of Representatives, Official Report, April 2, 1965, Col. 1166.

organized and well developed, I cannot reasonably see how that could be taken away from a person and then be divided up into small plots. I do not see what sort of economic asset that would be.⁴¹

But the Mover (Anyieni). on a point of order denied that such was the intention of his Motion. Anyieni explained:

...It is not fair for an hon. Member to misrepresent another. Nobody who has spoken on this Motion has said that the developed land should be carved up into pieces to give to the poor, and the hon. Assistant Minister is actually alleging that some Members have said so; the Motion does not say so and no Member has alleged this.⁴²

When the House was called upon to vote, the Motion was defeated by 51 votes to 24. However, at the conclusion of the debate, Tom Mboya, then Minister for Economic Planning and Development, read to the House a prepared statement from his Ministry, which, on behalf of the Government, admitted that:

the Government is not satisfied with the present land policy, and that the Government, in the next few weeks, intends to make public its approach to the land problem, including, if necessary, the setting up of a working party

⁴¹Ibid.

⁴²Ibid.

to investigate the whole land problem.⁴³ Despite Mboya's promise, Cherry Gertzel noted that "the available evidence suggests, however, that no real agreement had been reached within the Cabinet on this issue. No such Committee was set up during 1965 or 1966, and even to this day - 1972."⁴⁴

We noted that the chief causes of Mau Mau uprising were socio-economic imbalances created by the colonial regime and the European settlers. We also established that these imbalances created by colonial legacy were passed on and inherited by the Uhuru Government headed by Mzee Kenyatta.

When Mau Mau erupted early in 1950's, the European settlers and government reacted to it as a shock, albeit they were aware of the socio-economic conditions prevailing at the time. They did not expect such a volcanic situation that soon. Yet it is true that it was their attitude which was responsible for the uprising. The European settlers wished to retain their privileged position (mainly the land), while the poor, landless, and

⁴³Ibid.

⁴⁴Cherry Gertzel, op. cit., p. 50.

homeless Africans led a miserable life.

It may be pointed out here, therefore, that if the present Uhuru Government does not bring to an end the still prevailing colonial legacy, then it is more likely that the situation that rose in the 1950's may repeat itself. And if it did at all, it will be too late to deal with, and, therefore, the magnitude of destruction to the nation may be much more than the one the colonial government faced. Addressing a conference of the National Christian Council of Kenya (NCKK) in 1966, Mr. A. O. Menya is quoted as saying:

There is a clear class division in Kenya's society which is based largely on the share of economic wealth of the nation. Kenya's society provides a very good example of the haves and the have-nots....Kenya's economy is growing very rapidly, but the gap between classes or between the haves and the have-have-nots seems to be widening. There is clear evidence of a few African political and bureaucratic elite who are slowly merging with the commercial elite to form an apex at the top of the socio-political and economic elite, while the majority of Africans linger helplessly below the totem pole.⁴⁵

Mr. Menya then warns:

This trend may defeat the very tenet of African Socialism which in effect may lead to another

⁴⁵A Working Party, Who Controls Industry in Kenya (Nairobi: East African Publishing House, 1968), p. 259.

revolution of an unanticipated nature and which may end up in the disintegration of the whole Kenya society.⁴⁶

In the same vein, the authors of "Who Controls Industry in Kenya?" asserted that "there is a trend towards an accumulation of wealth in the hands of a comparatively small group who are influential in the creation of a political climate favourable to a private enterprise system in major sectors of the economy."⁴⁷ The authors ended with the following prediction:

Land-owning, business ownership, and political power would increasingly converge, and the tax structure will be neither stringent enough in its application, nor sufficiently progressive in principle, to dislodge these accumulations of wealth and power. Meanwhile, all around Nairobi, Kisumu and Mombasa, slum areas of endemic poverty will be rapidly growing, and settling into a self-perpetuating misery. Measures against the urban unemployed will become increasingly punitive, as unrest and crime make the streets unsafe, and illegal squatting upsets city planning, and ruffles civic pride...and the impoverishment of a growing number of marginal landless labourers, dependent upon casual work at the barest subsistence wage. On the settlement schemes, the smallholder will have disappeared. Industrial development will have become frankly dependent upon an alliance of government

⁴⁶Ibid.

⁴⁷Ibid., pp. 260-261.

capital with foreign technical skill, against which the enterprising Kenya craftsman will not be able to compete. The national economy will be making encouraging progress; but the nation will be falling apart.⁴⁸

B. A Focus on the Present Land-Balance-Sheet:

In Kenya today the love for materialism is rapidly replacing that of humanism. Odinga reiterates Frantz Fanon's thesis that unless the present situation is changed, the poor, landless and the unemployed may be forced by the circumstances to rise up and revolt. To put it in Fanon's words:

the starving peasant, outside the class system, is the first among the exploited to discover that only violence pays. For him there is no compromise, no possible coming to terms.⁴⁹

While it is the responsibility of the Uhuru Government to see that such a situation does not occur, this can be avoided only if the government takes the responsibility to make sure that these socio-economic imbalances

⁴⁸Ibid., pp. 261-262. (Also see Peter Morris, "Economics is not Enough" East African Journal, Feb., 1967.

⁴⁹Frantz Fanon, The Wretched of the Earth (New York: Grove Press, Inc., 1961), p. 61.

are corrected, first through the control and equal distribution of the land. Any country that does not control its land resource cannot in any way control her country's socio-economic as well as political events.

And although the Uhuru Government claims to be trying to solve these problems through land settlement schemes, however, Odinga charges that land settlement in Kenya is no less than a mockery or fraud.

Our independence struggle was not meant to enrich a minority. It was to cast off the yoke of colonialism and of poverty. It is not a question of individuals enriching themselves but of achieving national effort to fight poverty in the country as a whole.⁵⁰

He asserts that:

Our government's land policy was hobbled from the start by wrong policies inflicted on us during the negotiations for independence.⁵¹

Mr. Mboya vividly confirms the prostitution of Kenya's independence during constitutional negotiations in London when the European settler-politicians held African delegates to ransom:

⁵⁰Odinga, op. cit., p. 310.

⁵¹Ibid., p. 259.

When we entered into the Kenya independence conference in London, our whole purpose was to ensure that Kenya would emerge into independence with a practical and workable constitution, and the atmosphere and circumstances in which we negotiated were such that, in our judgment at that time it was necessary to make certain compromises to get Kenya moving and to avoid the possibility of conflict.⁵²

Mboya, a brilliant and shrewd politician in the country (whom both the British and the Americans nurtured as East Africa's trade union and political leader), did not see eye to eye with Odinga's and Kaggia's feelings about land reform in Kenya. Mboya himself once called these peoples' views about land as "communistic" and, therefore, could not be 'tolerated' in the Kenya of today. During a political rally held in Nairobi on February 18, 1966 Mboya urged his audience to:

vote against the principle of communism on land. We have said that our government will follow the principle of African socialism and that we oppose both communism and capitalism. We reject communism because those who preached it did not want religion. We do not want capitalism because the government wants the poor to be held to raise their standard of living.... Anybody who stands in our way is our enemy.⁵³

⁵²Wynn H. Jones, ed. Africa in Perspective (London: Quedriga Press, 1963), p. 251.

⁵³East African Standard, February 19, 1966.

The danger of landlessness and unemployment in Kenya has been reiterated by several writers as well as observers. William Attwood listed three big issues in their order of importance: land, unemployment and education. "landless Africans", he noted, "who are not yet absorbed into the new settlement schemes, were squatting on farmland....In some areas there had even been demonstrations against the government for neglecting its own people."⁵⁴ Ramogi Achieng Oneko⁵⁵, like Kaggia and Odinga, strongly disagreed with the Uhuru Government's land policy. In his letter of resignation from the Government as well as from Kenyatta's governing party -- Kenya African National Union (K.A.N.U.), Oneko said:

The role I have played in the struggle for Uhuru is quite clear....I was a colleague of Mzee Kenyatta in the long imprisonment. This long suffering gave me an opportunity to strengthen certain principles which I resolved to respect and have since greatly cherished regarding the future of our country. Many times

⁵⁴William Attwood, op. cit., pp. 159-160.

⁵⁵Ramogi Achieng Oneko was also among the five arrested and convicted along with Mzee Kenyatta on October 20, 1952, and later upon his release became Kenyatta's Personal Secretary and Minister of Information and Broadcasting. Like Odinga, he was again arrested and detained by Kenya Government. ✓

when languishing in the detention camp I was approached by imperialist agents and advised to denounce these principles. In every case I chose continued detention...My resignation is...to break the power of the European-minded clique which stand in the way of Pan-African Unity...there is a very grave danger that the exploitation of our people, jointly by foreigners and "black Europeans", will be deepened and continued...This is a situation our people will never accept. I will never accept itI have come to disagree with Kenyatta's policies and the failure of his government to implement promises made to the public. The government has taken no effective steps to limit private ownership of property or to nationalize utilities as it had promised. The government should have already taken steps to discourage and possibly eliminate the tendency to create privileged classes through allowing some government leaders to get involved in the speculation or control of the means of production for personal gain.⁵⁶

According to the Government's Sessional Paper No. 10, it was clearly spelled out that:

There is also urgent need for a land tenure policy to ensure that projected agricultural development is not concentrated in the hands of the few. Having regard to some of the problems of transition, a working party might be established to consider the need and practicability of establishing ceilings on individual ownership of property, and to advise on the machinery for making these effective. Here it must be pointed out that any ceilings decided upon must apply throughout the country. In

⁵⁶New York Times, April 26, 1966, p. 8C.

order to put an end to the buying of land for speculative purposes by non-citizens, there should be a ban on future purchase of agricultural land by non-citizens.⁵⁷

Yet the Government's present land policy is a total deviation from the above declaration. This repudiation of the earlier promises over land is the most serious of the string of broken promises since the end of colonial rule on December 12, 1963. Tens of thousands of starving and landless Africans are now tasting with bitter irony the aftermath of Uhuru Government and its 'African Socialism' slogan. So far, only one-seventh of the land formerly held by European settlers has been allocated for settlement. It would, therefore, seem as though the slogan 'African Socialism' has been used, (and still is) for the creation of 'African capitalism' at the expense of the masses; as Odinga points out:

Everyone advocates 'African Socialism' but in the case of most party and government leaders this has become a cloak for the practice of total capitalism. These politicians want to build a capitalist system in the image of Western capitalism but are too embarrassed or dishonest to call it that. Their interpretation

⁵⁷Republic of Kenya: African Socialism and Its Application to Planning in Kenya, 1965, para. 106, p. 38.

of independence and 'African Socialism' is that they should move into the jobs and privileges previously held by the settlers. If Kenya started UHURU without an African elite class she is now rapidly acquiring one. Ministers and top civil servants compete with one another to buy more farms, acquire more directorships and own bigger cars and grander houses....In 1963, M.P. earned L620 a year. This was increased to L840, then to L1,200 a year, making three increases and a doubling of salary in less than three years. (And the L100 a month is augmented by a daily sitting allowance, plus mileage and other allowances). Junior Ministers earn L2,260 a year. The President's salary has been fixed at L15,000 a year tax-free and including other emoluments....46 ministers and junior ministers earn between them something in the region of a quarter of a million pounds sterling a year, enough to provide housing for 500 families....In six months an M.P. receives more money than the average peasant earns in half a life-time.⁵⁸

Thus, the African 'leaders' of Kenya may not be characterized along with people like Mohammed Ali Jinnah of Pakistan, or Mahatima Ghandi of India. The Washington Post for instance, had this to say:

It is not like India where independence meant the breaking up of feudal system and that land reform legislation abolished the special status enjoyed by the Zamindars who were the veritable tyrants with authority to collect taxes from the peasantry on behalf of the British Colonial Treasury.⁵⁹

⁵⁸Odinga, op. cit., p. 302.

⁵⁹The Washington Post, August 17, 1967, p. 23C.

The paper continued:

It is not even like West Pakistan where land reform became so vital in that the government recognized the landlessness situation and managed to distribute some two million acres to the landless citizens. The result in later years was encouraging and as a matter of fact their national goal to get enough food for the population came closer to a reality.⁶⁰

Cherry Gertzel gives a sound description and summary of Kenya's dilemma:

Most Members believed that the Government had failed to deal satisfactorily with these practical problems. Most were doubtful about the economic viability of the settlement schemes policy as a whole, which many insisted had been designed to assist outgoing European farmers rather than new African farmers (a point on which Government subsequently agreed). The settlement schemes could not, the critics argued, solve the problems of landless Africans in Kenya whose landlessness and unemployment constituted a major economic, social and political danger to the state. Some back-benchers challenged the idea that land in the former Scheduled (European) Areas should have been bought at all. Since the land had belonged to the Africans in the past it ought not to have been bought, but requisitioned as needed; and distributed free, not sold, to Africans. They argued that this land should have been nationalized, either given to the landless, or worked as state farms.

Those who adopted this stand argued that the criterion for settlement should have been the absorption of a maximum number of landless, not

⁶⁰Ibid.

the settlement of the problems of European farmers. To spend L26 million to settle 30,000 families was not enough. They insisted that a policy of co-operative farming on the former large-scale farms would much better achieve these ends than settlement of individuals on individual plots.⁶¹

Thus in keeping with the objectives and wishes of the European farmers as exemplified by their chief architects -- Swynnerton and Michael Blundell, the Uhuru Government sought to a rather negatively skewed land program of registering the lands in the areas formerly drawn up exclusively for Africans by colonial authorities, while not more than 2½ million acres of the formerly idle or mismanaged areas in the former White Highlands have so far been transferred to a few Africans. It should also be noted that out of these 2½ million acres, about two thirds of what is semi-cultivable was granted to formerly poverty-stricken African peasants. The better part of it went to a few wealthy Africans, thus leaving the real heart and soul of the Highlands still in the grip of and control by the Europeans.

By 1967, for instance, it was reported that "more than a quarter of the number of farms once in the so-

⁶¹Cherry Gertzel, op. cit., p. 45.

called 'White Highlands' had passed to African hands.⁶²
However, the figures given below suggest that only 10.9
per cent of the Highland area had actually been acquired
by Africans, while 89.1 per cent was in the Europeans'
possession:

62R. S. Odingo, The Kenya Highlands: Land Use and
Agricultural Development (Nairobi: East African Pub-
lishing House, 1971), p. 191.

TABLE 24

LAND OWNED BY LARGE-SCALE AFRICAN FARMERS
IN THE HIGHLANDS 1967⁶³

District	Total Land (hectares)	Land Owned by Africans	Percentage of Total Owned by Africans
Central Nyanza	17,917	304	1.6
Sotik/Kisii	7,525	6,839	91.0
Kericho	98,861	27,915	28.2
Nandi	57,994	5,883	8.8
Kakamega	3,394	335	10.0
Bungamo	5,814	3,063	40.3
Uasin Gishu	289,585	90,294	31.2
Trans-Nzoia	186,671	48,325	25.8
Nakuru	458,833	51,449	1.1
Baringo	7,475	607	8.2
Nyandarua (Kinan- gop Plateau area)	152,531	65,154	42.5
Laikipia	709,213	17,756	2.5
Nyeri	151,676	11,209	7.4
Kiambu	75,256	3,980	5.4
Nairobi	41,308	5,129	12.8
Meru	87,990	640	1.0
Machakos	240,555	52,534	22.0
Total:	2,592,598	391,416	10.9

Arising from the above table, the following figures have, therefore, been established in order to give a rather more detailed explanation of the land holdings in the Highlands as of 1967. The figures reveal that by 1967 (or four years after Uhuru) a total of 967,228.078 acres or (10.9 per cent) had been acquired by the Africans,

⁶³Ibid.

whereas 5,439,340.840 acres (or 89.1 per cent) were still owned by Europeans and Asians. (See table 25 below).

It could thus be established that the Uhuru Government has been acquiring the Highlands at the average of approximately 2.75 per cent per annum.

TABLE 25

District	LAND OWNED BY LARGE SCALE AFRICAN AND NON-AFRICAN FAR			
	Land owned by			
	Total Land:		Africans	
	Hectares	Acres	Hectares	Acres
Central Nyanza	17,917	44,274.699	304	751.214
Sotik/kisii	7,525	18,595.028	6,839	16,899.853
Kericho	98,861	244,295.417	27,915	68,980.757
Nandi	57,994	143,308.973	5,883	14,537.481
Kakamega	3,394	8,386.913	335	827.819
Bungoma	5,814	14,366.394	3,063	7,568.979
Uasin Gishu	289,585	715,593.494	90,294	223,125.503
Trans-Nzoia	186,671	461,282.708	48,325	119,415.908
Nakuru	458,833	1,133,822.226	51,449	127,135.624
Baringo	7,475	18,471.473	607	1,499.958
Nyandarua (Kina- ngop Plateau area)	152,531	376,919.354	65,154	161,002.049
Laikipia	709,213	1,752,536.244	17,756	43,876.852
Nyeri	151,676	374,806.564	11,209	27,698.560
Kiambu	75,256	185,965.102	3,980	9,838.978
Nairobi	41,308	102,076.199	5,129	12,674.272
Meru	87,990	217,432.089	640	1,581.504
Machakos	240,555	594,435.461	52,534	129,816.767
TOTAL	2,592,598	6,406,568.918	391,416	967,228.078

Note: One Hectare = 2.4711 Acres; and One Acre = 0.4047 Hectare

⁶⁴Tabulation by the author. This tabulation is based on

TABLE 25

AFRICAN AND NON-AFRICAN FARMERS IN THE HIGHLANDS 1967: 64

es	Land owned by		Land still owned by		Percentage of Total	
	Africans		Non-Africans		Owned By	
	Hectares	Acres	Hectares	Acres	Africans	Non-Africans
,274.699	304	751.214	17,613	43,523.428	1.6	98.4
,595.028	6,839	16,899.853	686	1,695.175	91.0	9.0
,295.417	27,915	68,980.757	70,946	175,314.661	28.2	71.8
,308.973	5,883	14,537.481	52,111	128,771.492	9.8	90.2
,386.913	335	827.819	3,059	7,559.095	10.0	90.0
,366.394	3,063	7,568.979	2,751	6,797.996	40.3	59.7
,593.494	90,294	223,125.503	199,291	492,467.990	31.2	68.8
,282.708	48,325	119,415.908	138,346	341,866.801	25.8	74.2
,822.226	51,449	127,135.624	407,384	1,006,686.602	1.1	98.9
,471.473	607	1,499.958	6,868	16,971.515	8.2	91.8
,919.354	65,154	161,002.049	87,377	215,917.305	42.5	57.5
,536.244	17,756	43,876.852	691,457	1,708,659.393	2.5	97.5
,806.564	11,209	27,698.560	140,467	347,108.004	7.4	92.6
,965.102	3,980	9,838.978	71,276	176,130.124	5.4	94.6
,076.199	5,129	12,674.272	36,179	89,401.927	12.8	87.2
,432.089	640	1,581.504	87,350	215,850.585	1.0	99.0
,435.461	52,534	129,816.767	188,021	464,618.693	22.0	78.0
,568.918	391,416	967,228.078	2201,182	5,439,340.840	10.9	89.1

s; and One Acre = 0.4047 Hectares.

This tabulation is based on the computation from Table 24.

The impact of land resettlement programs on the transfer of land to Africans up to 1968 showed that about one-third of the Highlands were resettled, as the following figures show:⁶⁵

<u>Type of Scheme</u>	<u>Acres Transferred to Africans</u>	<u>No. of farms Established</u>	<u>Average Size of Farms Established</u>
1. Sub Divisional Type Settlements			
High Density	788,000	26,700	30
Low Density	188,000	5,200	36
Squatter Settl.	86,000	14,000	6
Total	1,062,000	45,900	23
2. Large-Scale Farms:			
AFG, ADC, Asst. Owners, etc.	953,600	1,192	800(a)
Ol'Kalou Salient	121,000	19	6,368(b)
Other Co-operative Settlement by Dept. of Settlement	170,000	15	11,333
Total	1,244,600	1,226	1,015
TOTAL	2,306,600	-	-

- (a) The average size of farm is approximate
 (b) These farms are owned and presently operated by the Department of Settlement.

⁶⁵Republic of Kenya: Development Plan 1970-1974, p. 24.

AGRICULTURE

TABLE 26
LARGE FARMS

Size of Holdings, 1961-1969

Table 80	Size of Holding in Acres	Number of Holdings									
		1961	1962	1963	1964	1965	1966	1967	1968	1969	
	20-49	286	290	293	277	294	281	309	379	385	
	50-124	278	281	285	276	271	252	260	302	314	
	125-249	278	278	269	254	247	255	284	284	281	
	250-499	388	386	363	342	338	344	329	34	349	
	500-745	403	407	368	312	286	266	261	287	303	
	750-999	356	342	288	239	228	219	233	233	249	
	1,000-1,249	347	339	276	205	185	181	265	205	204	
	1,250-2,499	687	688	625	532	468	466	444	444	484	
	2,500-4,999	317	319	313	272	262	246	219	253	243	
	5,000-9,999	151	144	148	123	114	112	106	98	95	
	10,000-49,999	120	119	126	114	114	115	117	113	104	
	50,000 and over	13	13	14	12	13	13	14	13	14	
	Total	3,624	3,606	3,368	2,958	2,820	2,750	2,745	2,953	3,025	

Source: Statistics Division

TABLE 27

LARGE FARMS

Land Utilization, 1960-1969

Table 81	Land Usage	'000 hectares									
		1960	1961	1962	1963	1964	1965	1966	1967	1968	1969
	Temporary crops	277.2	291.5	231.7	266.0	240.3	336.5	278.3	298.2	398.8	301.3
	Temporary meadows	89.0	93.3	95.0	96.7	91.7	88.3	79.4	79.0	84.2	86.2
	Temporary fallow	53.6	48.7	41.3	49.5	57.4	56.8	44.8	54.9	61.7	90.7
	Permanent crops	183.8	195.7	191.8	190.9	190.4	177.4	184.4	179.6	162.7	157.5
	Uncultivated meadows and pastures	2,228.7	2,204.3	2,155.1	2,023.0	1,872.0	1,817.6	1,783.4	1,844.1	1,824.5	1,856.8
	Forest land	114.2	128.2	187.7	205.6	173.1	127.2	119.1	117.1	126.5	124.1
	All other land	182.2	176.2	164.1	130.1	120.1	136.1	152.7	124.2	99.5	102.1
	Total	3,128.7	3,138.3	3,116.7	2,961.8	2,751.0	2,739.9	2,641.9	2,697.9	2,652.9	2,178.7

Source: Statistics Division.

TABLE 28

AGRICULTURE

LAND RE-SETTLEMENT
Area Planned and Plots Allocated, 1966/67-1969/70†

Province and Type of Scheme	1966/67				1967/68		1968/69		1969/70		Total to Date		
	No. of hectares planned	Plots allocated	No. of hectares planned	Plots allocated	No. of hectares planned	Plots allocated	No. of hectares planned	Plots allocated	No. of hectares planned	Plots allocated	No. of hectares planned	Plots allocated	
Eastern	2,372	53	—	4	—	—	1*	—	—	—	1	13,344	768
High Density	—	—	—	—	—	—	—	—	—	—	—	—	—
Low Density	2,372	53	0,000	4	—	—	—	—	—	—	1	13,344	768
Total													
Central	8,091	264	0,000	126	—	—	22*	—	—	—	12	153,309	13,309
High Density	—	59	0,000	090	—	—	3	—	—	—	—	26,654	1,414
Low Density	8,091	323	0,000	126	—	—	3	—	—	—	12	179,963	14,723
Total													
Rift Valley	24,652	480	16,580	919	13,187	—	828	7,863	699	103,536	5,979	—	—
High Density	2,879	155	305	25	—	—	8	—	—	19,665	1,129	—	—
Low Density	27,551	635	16,885	944	13,187	—	836	7,863	699	123,201	7,108	—	—
Total													
Nyanza	8,641	359	325	287	720	—	143	—	3	18,732	1,763	—	—
High Density	3,532	0,000	—	104	—	—	137	—	—	17,694	1,933	—	—
Low Density	12,173	359	325	391	720	—	280	—	3	36,426	3,696	—	—
Total													
Western	12,234	444	516	266	—	—	206	—	12	67,715	6,934	—	—
High Density	2,072	167	—	27	—	—	14	—	2	8,641	505	—	—
Low Density	14,306	611	516	293	—	—	220	—	14	76,356	7,439	—	—
Total													
All Schemes	64,473	1,981	17,726	1,758	—	—	1,339	7,863	729	429,290	33,734	—	—

Source: Ministry of Lands and Settlement.

†The figures included refer only to holdings allocated to individuals after the sub-division of the former European-owned farms. The few co-operative farms which are part of the land re-settlement programme are excluded. All of the figures are for the year ending 30th June.

*The figures represent repossessed plots and corrections.

By December 31, 1970 it was estimated that land reform covering 542 hectares (1,341,273.542 acres) had been demarcated into 34,144 plots -- thus giving an average of 15.6 hectares (38.549 acres) per plot) -- as the following table illustrates.

TABLE 29
SUMMARY OF THE STATE OF SCHEMES AS AT 1

	Estimated final hectares	No. Plots demarcated 12-31-69	No. Plots Settled 12-31-69	No. Plots demarcated 12-31-70
35 I.B.R.D./C.C.C. Develop. Schemes	72,272	4,981	4,978	4,981
83 H.M.E. High Density	329,253	28,488	28,421	28,581
1 H.M.G. High Density not established	863	---	---	---
2 Harambee Schemes Established	6,531	430	382	430
14 Cooperative Schemes Established	68,968	---	---	---
3 Co-operative Schemes not established	7,087	---	---	---
1 Scheme-Weru 207 transferred to Ol'Salient	4,383	---	---	---
1 Scheme in Kilobe 104 transferred to local county council	5,034	---	---	---
140 Total	494,391	33,899	33,581	34,001
19 Co-operative Units Ol'Kalou Salient	48,393	---	---	---

⁶⁹Republic of Kenya, Department of Settlement, Annual Rep

TABLE 29

OF THE STATE OF SCHEMES AS AT DECEMBER 31, 1970⁶⁹

	No. Plots demarcated 12-31-69	No. Plots Settled 12-31-69	No. Plots demarcated 12-31-70	No. Plots Estimated Final No. Plots	Estimated Final No. Plots	No. Co-op Farms 12-31-70	Estimated Final No. Co-op Farms
272	4,981	4,978	4,981	4,981	4,981	---	---
253	28,488	28,421	28,588	28,501	28,702	391	430
863	---	---	---	---	27	---	---
531	430	382	431	398	431	---	---
968	---	---	3	3	3	1,181	1,185
087	---	---	---	---	---	---	400
383	---	---	---	---	---	---	---
034	---	---	---	---	---	---	---
391	33,899	33,581	34,003	33,883	34,144	1,572	2,015
393	---	---	---	---	---	1,808 incl. Weru 207	1,808

Department of Settlement, Annual Report 1970, Appendix E, p. 67.

The Uhuru Government's failure to question the political intentions of the colonial administration with regard to consolidation and registration of the African land areas has had repercussions and consequences in the African areas. For instance, we noted that already there have been numerous land cases and deprivation of land among some Africans. Thus the Uhuru Government did not ascertain whether or not individualization of land through registration would be politically and socially feasible. Furthermore, if consolidation was seen by the incoming government as both necessary and practicable, it should certainly have been carried out without registration of individuals unless the people or communities themselves requested such an undertaking (rather than the present method of almost compelling the people to comply). There is, another obstacle to consolidation. As mentioned earlier, consolidation of land implies not only the joining together of separate fragments to form one parcel of land, but also the regrouping of land in any one area to ensure that resettlement holdings are of sufficient size to enable them to be developed as viable and sound farming units. However the viability of such undertaking can be meaningful if all the fragmented land in the country is

consolidated without necessarily registering the areas. In some cases, consolidation of scattered fragments of land may lead to 'forced' evacuation or movements by some people. Yet, Kenya's Ministries of Agriculture and Land Settlement have since pursued a policy of consolidation and registration of a minimum acreage, varying from region to region, locality to locality below which agricultural development is almost unconvincing. Some people have been dispossessed as a result. Some of these dispossessed Africans keep on rushing to the urban areas in search of security and shelter which the government and other agencies find difficult to provide. Let us look at the Kenya population from 1961 to 1970 and also, the number of Africans in some specific urban centers in Kenya between 1962 and 1969 (See Table 30).

TABLE 30
POPULATION: ANNUAL ESTIMATES 1961-1970⁷⁰

Race	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
African	8,325	8,366	8,575	8,832	9,097	9,370	9,651	9,941	10,733	---
Asian	173	176	180	183	185	188	192	182	139	---
European	59	56	53	49	42	43	42	42	40	---
Arab	34	34	35	36	37	38	39	40	28	---
Other	4	4	4	4	4	4	4	4	2	---
Total Non-Afr.	270	270	272	272	263	273	277	268	209	---
Total Pop.	8,353	8,595	8,847	9,104	9,365	9,643	9,948	10,209	10,942	11,247

⁷⁰Republic of Kenya, Statistical Analysis, Statistics Division, Ministry of Finance and Economic Planning, 1970, p. 13.

TABLE 31.

AFRICAN POPULATION IN URBAN CENTERS OF KENYA
1962 AND 1969⁷¹

<u>Town</u>	<u>1962</u> Number of Africans	<u>1969</u> Number of Africans
Nairobi	156,246	421,070
Mombasa	111,847	187,147
Nakuru	30,189	42,190
Kisumu	14,119	24,978
Eldoret	15,059	15,515
Thika	11,352	16,574
Nanyuki	8,919	10,957
Kitale	7,000	10,166
Nyeri	6,256	8,915
Kericho	5,950	9,039
Malindi	2,504	7,549

⁷¹Republic of Kenya: Statistical Abstract,
Statistics Division, Ministry of Finance and Economic
Planning, 1970, p. 15.

TABLE 32
KENYA POPULATION CENSUS, 1969⁷²

<u>Race</u>	<u>Non-Africans and Non-Kenyans</u>
Non-African	209,503
European	40,593
Kenyan	3,889
Non-Kenyan	36,704
Asian	139,000
Kenyan	60,994
Non-Kenyan	78,043
Arab	27,886
Kenyan	24,199
Non-Kenyan	3,687

⁷²Republic of Kenya: Statistical Abstract, Statistics Division, Ministry of Finance and Economic Planning, 1970, p. 13.

The Uhuru Government has thus overlooked the psychological and moral rights of Africans' traditional fabric which, operationally, form a sacrificial collectivity. The uprooting of some Africans and reallocation of them in other areas of the country gives them certain fears which interfere with their very existence; as Mbiti puts it:

People walk on the graves of their forefathers, and it is feared that anything separating them from these ties will bring disaster to family and community life. To remove Africans by force from their land is an act of such great injustice that no foreigner can fathom it.⁷³

From the above, a bold and African oriented policy is called for. This will be examined in the conclusion.

R Summary: In this chapter, we established that the views expressed by various people, including African members of Parliament show the unpopularity of the Uhuru Government's land policy. These views relate in particular to (a) lack of legislation to restrict the size of

⁷³John Mbiti, African Religions and Philosophy (New York: Frederick A. Praeger, Publishers, 1969, p. 27.

land holdings, so as to avoid future land speculation; (b) the amount of money applicants for settlement have to raise before their applications are accepted; (c) the ever growing number of squatters, and the kind of treatment the Uhuru Government renders to them; (d) the overall land policy -- which involves land consolidation and registration, and the Government's refusal to nationalize the Highlands; (e) conditions for loans and repayments; (f) lack of adequate transportation and communication, insufficient water supply and training of farmers; (g) the government's permission to let foreigners buy land in the Highlands.

The period between 1965 and 1967, will be remembered by Africans of Kenya as the one of intensive debate in Kenya Parliament over the Government's overall land policy.

Many government's back-benchers charged that the Uhuru Government had not lived up to its old pledges and promises to the masses. Thus, the government failed to honor the cry and ideology of the 'waranchi' (the owners of the land: i.e. the people); especially those who actively took part in the war of liberation of their land (or 'Mau Mau').

On the question of foreigners being allowed to buy agricultural land in Kenya since independence, the government argued that it was merely trying 'to protect the free market in land', which is based on the concept of 'willing buyer, willing seller'. The Government also argues that it is trying to inject confidence in overseas investors.

Many people have also voiced the danger of the possible emergence of a new class of African large-scale land owners, and the consequences arising from that emergence. However, some Government members, and/or supporters have argued in favor of Africans' participation in the process of property accumulation. Consequently, the demand for a special committee by some Parliamentarians to work out ways and means of preventing the emergence of the property accumulators was not carried out by the Kenyatta regime. Thus, we find that the wishes of the European farmers, first exemplified in the 'Swynnerton Plan', and later by the Kenya Government's Sessional Paper No. 10 (African Socialism and its Application in Development of Kenya), were very well rewarded.

Thus, the pre-independence promises by the African political leaders, and the masses' expectations vis-a-vis

post-Uhuru realities show a very significant contrast. We noted, for example, that more Europeans have acquired land under the government's land settlement program than have the Africans (who had assumed that the settlement programs had been formulated for them).

By 1967, we noted, for instance, that 89.1 per cent of the Highlands was still in the Europeans' possession, while only 10.9 per cent had been acquired by Africans. By 1968, the study indicates that 2,306,600 acres of the Highlands' 7.8 million acres (or approximately 1/3) had actually passed into African hands. By 1970, the 'mercury' dropped, showing that approximately one-fifth of the Highlands had indeed been acquired by Africans. Thus, by 1970, the situation regarding the Highlands ownership had not significantly changed from that of pre-Uhuru.

CHAPTER IX

SUMMARY, CONCLUSION AND RECOMMENDATIONS

Land is the basis of all life. To the Africans, it is the basis of freedom and independence. Many struggles of history have all been fought over the question of land -- that is, who will own which land. Alienation of it and its resources by someone else impoverishes the lives of its rightful owners.

The impoverishment of African people's lives was intensified during and after the Berlin Conference which 'authorized' the scramble for African land by the Western world. Wealth was the primary purpose. Politics was thus used as a weapon with which to maintain Europeans' economic gain and power. It was inevitable that the Europeans would grab the best land. In Kenya, as elsewhere, where colonialism emerged, conquest, direct seizure, pressure on African elders ('chiefs'), swindling and trickery in the form of 'Agreements' or 'Treaties' were used.

As a result, Africans were herded and confined into enclosures comprising the poorest land. On this land, Africans were forced to grow subsistence crops while Europeans grew highly profitable commercial crops. Africans

were permitted only one or two plots of a few acres while Europeans were encouraged to buy large tracts of land. Forced to pay taxes and buy European-priced commodities, many Africans had no alternative but to seek employment on European farms. Those who tried to resist such pressure were further confronted with greater force from the colonial government. Numerous taxes were levied, discriminatory wage structures were applied to Africans. And above all, the whole land became the property of strangers (Europeans), and the Africans became mere tenants subject to the will of these strangers.

We noted earlier that in 1915, during the heyday of colonialism in Kenya, the Highlands underwent a different kind of registration (which guaranteed European individual ownership of land de-facto for 999 years -- meaning in perpetuity).

The study was equally concerned with the socio-economic and political problems emanating from the colonial government's land policy.

In Kenya, the cry "we want our 'stolen' land back" has, since the coming of Europeans, been heard from the hearts of millions of land-poor Africans. When in 1932 Mr. Kenyatta said, "What Africans want now is not com-

missions (of inquiry) but the restitution of their land", he was indeed echoing that cry. This demand, in essence, referred to all the Highlands alienated or 'robbed' by the European settlers and the Crown. This same man now leads the Government of Kenya. Now, what has he done about the land since the attainment of Uhuru in 1963? The study further sought to investigate whether or not the Uhuru Government has recognized these socio-economic problems, and, if so, what steps have since been taken to alleviate and finally eliminate them.

During early settlement by the Europeans, the colonial government and the financing institutions did the best they could to assist the embryonic European farmers in their agricultural endeavor irrespective of their past experience or lack of it. Kenneth Ingham once noted:

The banks were ready to lend money at reasonable rates and the Discharged Soldiers Settlement Scheme, first mooted in 1915, was adopted with enthusiasm...Although selection boards were set up in London and Nairobi, however, there appears to have been little attempt to distinguish between the ex-soldiers who had and those who had not sufficient capital or experience of farming. When the first settlers arrived this did not seem to be a matter of great importance. Loans were readily obtainable

...Land was rapidly allocated and heavy equipment was purchased.¹

But the kind of registration which the colonial government introduced in the so-called 'African Reserves' in 1955, and later intensified by the Uhuru Government had a different purpose. The colonial government did not in fact intend to assist African agriculture; for example, land and loans were not made available to the African land poor. On the contrary, their fundamental objective was to create a few middle class Africans and use them to silence the old political agitation. If this acquiescence by Africans were achieved, then European farmers could continue to farm, utilize African labor, and continue the misery of the Africans, thus preserving the characteristics of colonialism into the new regime in the form of Neo-colonialism. This point is underscored by M.P.K. Sorrenson, when he observes:

The European officials also saw the two things as one but they thought in European terms; they associated a stable middle class (or a stable

¹Kenneth Ingham, A History of East Africa (London: Cox and Wyman Ltd., 1962), pp. 325-326.

peasantry) with conservation; they assumed that land consolidation would create a class of land-owners who would refuse to have any truck with nationalist politicians.²

The performance of the Kenyatta regime since independence seems to confirm the above contention, and has made it abundantly clear that the land issue still remains unsettled, and that white land-owners continue to enjoy the same protection as in the colonial era.

The proponents of land consolidation and registration argue that such an undertaking would create large-scale farming, and that large-scale farming has relative advantages over small-scale farming comprised of fragmented pieces of land. While we do not dispute this assertion, however, we believe that this is only circumstantial. There are certain factors which these proponents tend to ignore.

Whereas farming on a relatively large-scale is essential for mechanised cultivation in so far as productivity per unit of labor is concerned, heavy equipment

²M. P. K. Sorrenson, Land Reform in the Kikuyu Country: A Study in Government Policy (Nairobi: Oxford University Press, 1967), pp. 250-251.

like tractors, cannot be used effectively on small and fragmented plots. Notwithstanding, increased productivity of land is due primarily to such factors as careful selection of seeds, better manuring, improved irrigation of water supply, crop rotation, etc. In fact, most of all these are quite compatible with small-scale farming.

The use of heavy equipment, such as tractors and other machinery contributes to raising or lowering of the productivity of land depending on the quality of that land. Furthermore, large-scale farming tends to be inappropriate and inefficient, especially in developing nations, because of the problems of large organization and management this undertaking involves. From a psychological point of view, therefore, large-scale farming is to be less preferred than small-scale farming. Thus, Adam Smith writes:

A small proprietor who knows every part of his little territory, who views it with all the affection that property, especially small property, naturally inspires, and who upon that account takes pleasure not only in cultivating but in adorning it, is generally of all improvers

the most industrious, the most intelligent, and the most successful.³

One possible reason why the present policy is pursued is that those who later emerged as Kenya's post independence leaders were not faithfully committed to the 'Mau Mau' ideology, which sought the repossession of all the alienated land. For this and other related reasons, these new leaders could easily compromise on this issue. These men were political opportunists who capitalized on the land issue only to further their political goals. They were not too keen about returning the land to the rightful owners, who constituted the landless poor.

As a result, that 'Mau Mau' ideology has since fallen into oblivion. Kenyatta himself, for instance, emphatically denied knowledge of, or association with 'Mau Mau' and its ideology.⁴ On this particular point,

³Adam Smith, The Wealth of Nations, Book III, Chap. IV, cited by Amlan Datta, Essays on Economic Development (Calcutta: Bookland Private, Limited, 1957), p. 45.

⁴See Slater Montagu, The Trial of Jomo Kenyatta (London: Secker and Warburg, 1955), pp. 152-158.

one journalist has made an observation when he said:

A surprising number of them, in fact, either sat out of the struggle or were part of the pre-independence colonial power structure.⁵

Assuming that was so, it would not be a surprise to see Kenyatta and his government colleagues espousing policies which are antithetical to the 'Mau Mau' ideology.

Another indication of the disinterest of Kenya's post-independence leaders in the 'Mau Mau' ideology was the lack of enthusiasm for the immediate release of Mau Mau detainees. In fact, these leaders made little effort to free their imprisoned brothers, even at the time of independence. For instance, during the independence celebration, Kenyatta is reported as having not mentioned in his speech those who lost their lives during the Mau Mau struggle. Odinga writes:

Kenyatta's own speech made no mention of the people who had laid down their lives in the struggle, the fighters of the forests and the camps who have been in danger in Kenya of

⁵Jim Hoagland "Kenya's Rich Soil is still the Prize", The Washington Post, January 7, 1973, p. B1.

becoming the forgotten men of the freedom fight because it suits the ambitions of the self-seeking politicians to divert our people. In independent Kenya old colonial attitudes whipped up against the armed struggle, persist, and this struggle led by Dedan Kimathi has not been recognized and honoured as the turning point in the advance towards Uhuru.⁶

Odinga adds:

Most politicians have not been as foolish as to openly denounce the forest fighters but rather have they connived at letting this period sink into forgetfulness.⁷

The next factor for the Uhuru Government's ineffective land policy can be attributed to the civil service. The retention of European expatriates made it difficult for the quick transformation of the land owning system. We noted that some of these after they resigned, and had been paid exorbitant compensation, were re-employed by the Uhuru Government. Many of them had been colonial die-hards, farmers and businessmen. The Uhuru Government invested these people with extremely significant responsibilities. Some became settlement officers, agricultural advisors, and government's senior advisors. For instance, Mr. Bruce McKenzie, a former native of Boer South Africa

⁶Oginga Odinga, op. cit., pp.253-254.

⁷Ibid., p. 254.

and a former colonial supporter, became Minister for Agriculture and Settlement in Kenyatta's Cabinet; and Sir Michael Blundell -- a one-time chief spokesman for the European settlers, became chief advisor to the Ministries of Agriculture and Land Settlement. We also noted earlier that the European ex-farmers who worked as settlement officers had different attitudes. The Africans who worked with them in the settlement schemes often complained that these European officers did not wish the schemes to succeed. This is because their colonial attitudes and interests had not changed. Dr. Kwame Nkrumah experienced a similar problem when he writes:

It did not escape my notice that where the administrative service was concerned, if a policy was laid down for the officials by the Government with which they disagreed, means were adopted, by subterfuge or otherwise, to wreck that policy....It happened too often for it to be a coincidence that whenever government policy was to be put into effect; the officials either dilly-dallied or saw that nothing was done about it.⁸

⁸Kwame Nkrumah, Ghana: The Autobiography of Kwame Nkrumah (London: Thomas Nelson and Sons, Ltd., 1957), p. 151. (See also, by the same author, Dark Days in Ghana (New York: International Publishers, 1968), pp. 31-51.

Nkrumah then warns:

It has always been my conviction that after any political revolution, non-violent or violent, the new government should, immediately on coming into power, clear out from the civil service all its old leaders. My own experience taught me that by failing to do so, a revolutionary government risks its own destruction.⁹

Jack Woddis also observes that, although:

there may be some former colonial officials who sincerely wish to assist the new states, but the majority of them, whatever may be their views, are willy-nilly part of the imperialist establishment which trained them, moulded their outlook and continues to retain them precisely because they are still able to render a service.¹⁰

In order to keep the present policy operative, the Kenyatta regime has used the ministerial and Parliamentary powers of the State to help enterprising and ambitious African politicians in their quest for a foothold in the previously all white Highlands. This presumption of the Uhuru Government's land policy was well taken by Jim Hoagland when he observed that:

⁹Ibid., p. 146.

¹⁰Jack Woddis, Introduction to Neo-colonialism (New York: International Publishers, 1967), p. 72.

A growing land grab of the best farms by some African politicians and civil servants in the Establishment is earning for them the epithet "the Black Colonialists" from critics. The officials reply that they are merely trying to promote capitalism in Africa.¹¹

Hoagland continues:

Kenyatta's cabinet ministers and, according to increasing reports, Kenyatta himself and his family are snapping up dozens of sprawling farms, especially in the Nakuru area. Kenyatta's vice president, Daniel Arap Moi, who is Kalenjin, is said to be one of the country's biggest farm owners.¹²

Another related factor could be attributed to the kind of education Kenya has consistently pursued. The fact that the Kenya Government has not instituted a well organized agricultural program in her centers of learning makes it crystal clear that the land issue is still not given priority in the general schemes of things.

If the land issue is to be dealt with seriously, the granting of loans to Africans will not speed up the transfer of lands from whites to the blacks. The banks and other financing institutions charged with such loans are not likely to dole out credits to Africans. The whites and the Asians are not going to issue out help

¹¹Jim Hoagland, op. cit.,

¹²Ibid

without land title deeds as collaterals. Even if they do, their past record does not warrant unbridled optimism.

Another factor which contributed to the deterioration of the African quest for the Highlands was division among the African politicians along ethnic lines. Groups such as the Gikuyu, Kamba, Abaluhya, Luo, Kalenjin and Miji-Kenda were ready to fight over land -- many of these claimed rightful ownership of the Highlands -- hence the cry for 'Majimbo' (or regionalism).

Any attempt to resolve the problem once and for all would have triggered something more serious, including KANU and KADU fragmentation. Although the European settlers would have liked to see Africans fight themselves, and their political efforts disintegrate, however, they too feared that such an occurrence might affect them. This fear was in reference to the Zaire (then Congo) experience. African politicians therefore found it compromising to acquire only a small portion of the Highlands' periphery for the purpose of settling (or resettling) landless Africans from various ethnic groups. In other words, the white settlers who formerly owned and controlled the Highlands under the auspices of the colonial government, had now become a compromising force by'

continuing to exercise the grip of it, this time under the auspices of the Uhuru Government; compromising of or dominated by a clique which, according to Hoagland, was made up "of educated Kikuyu politicians led by Kenyatta, who had spent 17 years in Britain, and not to the radical forces of the Nyeri group who were the Mau Mau fighters...."¹³

Thus, during the colonial era the Africans regarded the white settler as the enemy of their struggle for the recovery of their land and independence, but when 'independence came', the Kenya politicians found that the European settlers were not enemies after all, and that the politicians were actually not ready to resolve the land issue. Accordingly, the Uhuru Government saw no alternative but to accept the continuation of the very same colonial land policies which in essence had been brought into operation immediately following the publication of the Swynnerton Plan in 1954.

At the time of independence, the African middle class was so tiny and fragile that both African political parties found that they could not very much rely on their

¹³Ibid., p. B1.

number. Because they, as embryonic middle class did not have a stake in the Highlands, they, therefore, used the State power, on the European settlers' advice, and resolved to expand this number by acquisition of a few acres in order to fill in the position and role of the few departing European settlers on a 'willing seller, willing buyer' basis. These middle-class freshmen were by and large politicians and senior civil servants who became a neutralizing force in the heyday of independence, and who thus continued to support the presumptions of the Uhuru Government's land policy.

This idea of 'willing seller and willing buyer' of land which became a commercialized entity was based upon a European concept on land adopted during the nineteenth century for:

~~The~~ dominating idea, regarding land, which Europeans brought with them to Africa was therefore one of land-ownership rather than of land-use; and of individual rather than of communal rights.¹⁴

¹⁴T. R. Batten, Problems of African Development, Part I (London: Oxford University Press, 1947), p. 26.

Whether or not the African politicians were aware of this, and its implications, will be determined by future historians and analysts (since this is beyond the scope of this paper).

Although the Uhuru Government announced that the settlement schemes have served their intended purpose and that the funds for settlement programs would be reduced to only about 22 per cent¹⁵, yet the government's statistics, crude and scanty though they be, suggest that the greater portion of the Highlands is actually still in the ownership and/or control of Europeans. Jim Hoagland once again reports:

Twenty years after the Mau Mau revolt, an estimated 3.5 million acres of farm and ranch land in Kenya are still owned or managed by whites. This is nearly one-half the total originally staked out for them.

One half million acres of the best farming land in the highlands is owned by 300 British farmers who have not become Kenyan citizens. Their land is suited for small cash crop farming and livestock.¹⁶

However, further examination reveals that only twenty per cent has actually been transferred into

¹⁵Development Plan for the Period 1970-1974, p. 192 refers.

¹⁶Hoagland, op. cit., pp. B1-B2.

African hands. Hoagland's estimate of transferrals is thus exaggerated. We noted, for example, in Chapter Seven that in 1965 the total land transfers and land purchases, were about 70 per cent of the total land acquired by European individuals. In other words, in the government's land settlement programs, more land has been repossessed by Europeans than have the Africans.

We also noted that in 1969, there were 40,593 Europeans living in Kenya, of whom 3,889 were Kenya citizens, and 36,704 were not. If we generalize that all the Europeans with Kenya citizenship, and five per cent of the non-Kenya-Europeans are farmers, (it is highly improbable that any European who is not directly or indirectly connected with farming or land owning in Kenya, would acquire Kenya citizenship). We would therefore, establish that about 5,000 Europeans own and/or control about eighty per cent of the Highlands' 16,500 square miles (i.e. 13,200 square miles). In other words, the average holdings per European farmer or land owner would be 2.64 square miles (or 1,689.6 acres). Whereas many Africans who have since moved into the Highlands were settled on an embarrassing average of 4 acres per man (or/and family). This means, therefore, that the number of Europeans who have acquired

land in Kenya since independence has increased with the 1960 statistics, although the average holding has decreased. In effect, the Uhuru Government has been nurturing a distorted or a myth transformation of the Highlands.

It was further established that the settlement program was kept within the confines of the Highlands' periphery adjacent to 'African Reserves', and which the Europeans did not in fact farm. We are, therefore, attempting to assume that these areas do constitute semi-granite-sand-stone soil derived mainly from the banks of the Rift Valley. If this assumption is correct, we would then conclude by saying that even with reserves of capital, loans and technique, the Africans who have been settled on this land would still require enormous resources and effort to make it cultivable and habitable.

For the African masses everywhere (and especially of Kenya), "Mau Mau remains an unfinished revolution that the white Western world has captured for its own ends".¹⁷ The Kenya's general election in December, 1969, demonstrated further the degree of the peoples' discontent.

¹⁷Ibid., p. Bl.

Despite the absence of an opposition party¹⁸, the outcome of that election symbolized the masses' reaction to their experience under the aegis of Uhuru Government's record of unfulfilled expectations as well as broken promises made to them during the heyday of the challenge to the presumptions of the British colonial rule and its land policy. The New York Times, for instance, reported that "two of every three incumbent members who sought re-election were defeated and in 22 districts the incumbents did not seek re-election."¹⁹ In all, 96 incumbent legislators out of 158 (including 5 Government ministers and 13 junior ministers) were defeated. It was further reported that in the Central Province (especially in Nyeri district where there was a clean turnover), out of eighteen incumbents, twelve were defeated. These were:

¹⁸The Kenya Peoples' Union (KPU), the only registered opposition party was banned about three months prior to the general election, and its principal leaders: Oginga Odinga and Ramogi Achieng Oneko -- president and publicity secretary, respectively, had been arrested and detained by the Uhuru Government.

¹⁹The New York Times, December 8, 1969, p. 10.

Nyandarua South (G.G. Kago); Othaya (J.Mathenge); South Tetu (H.C. Wariithi); Mathira (A.K. Wamuthenya); Nyeri (J.K. Theurl); Kigumo (K.K. Njiiri); Kandara (T. Mwaura); Juja (J.M. Njonjo); Kirinyaga West (J.N. Kibuga); Lari (J.M. Koinange); Kirinyaga East (B. Kathanga); Githunguri (W. Kamau).²⁰

The election returns detailed ut supra is indeed a reaction to the Europeans' compounded entrenchment in the Highlands and apparently wrong land policy which the Uhuru Government has consistently pursued.

Recommendations:

The Uhuru Government, in order to alleviate the Kenya land problem, and to avoid machetes "being sharpened again"²¹, must have a new land policy. At this time the Uhuru Government's first priority should be to correct the main root of the inequality: inequity and injustice which the Africans of Kenya have suffered for so long -- that is, the loss of their most valuable God-given treasure -- the land.

1. Immediate take over by the Uhuru Government of the lands still in the hands of foreigners (Europeans and Asians). The problem of satisfying the Africans' quest

²⁰East African Standard, December 8, 1969, p. 1.

²¹Hoagland, op. cit., January 9, 1973, p. A12.

for the recovery of the Highlands, and the Europeans' consistent resistance to give it up is one which the Uhuru Government can move to resolve by nationalization of the acreage still in possession of the foreigners. The acquired farms could then be turned over to destitute Africans who then could form farmers' co-operatives and farm for themselves, or on behalf of the government.

2. Minimum compensation may be paid to those whose land is re-possessed: In order to ease the burden of the peasants, the redemption money -- if this has to be paid at all -- could be substantially reduced since most of the foreigners who possess these farms have, since colonial time, made enormous profits out of these farms.

3. More land programs should be opened up by the Government for the acute landless, especially ex-Mau Mau prisoners and detainees: Meanwhile, the estates which were unfairly given to the 'good boys' as a result of their collaboration with the British colonialists, or by other means, should be turned over to the former rightful owners. Further, the Government should initiate projects to open up new lands that are presently used by Europeans as ranches as well as those which the government uses as part of tourism. Any land currently owned by Africans

but uncultivated, should be given to those who are ready and able to utilize it. Small plots of land could be created from the state resources and given to those who gallantly took part in 'Mau Mau' revolt against the British colonialists and are still without adequate land, and also to those with fairly large families.

4. Establishment of land ceiling: The solution of the Kenya Highland question coincides with the task of democratization of the social and state structure. This democratization of the social and state structure must be accompanied by the nationalization of excessive land held by those who do possess more than their democratic and social need. The government, should, therefore, impose a ceiling on land holdings. How much acreage each individual African may possess ought to be established and all surplus turned over to the government.

5. The need for intensified Research Programs: The need for research in the fields of mechanization, marketing, agricultural education and farm management is called for. The new farmers need to know how to effectively utilize the latest machinery and techniques. Likewise, the young farmers need to know the market trends.

6. Improvement of Water supply and Transport: The availability of water supply and adequate transport facilities will help the farmers to move their produce and equipment to and from the market.

7. Credit to farmers: Credit facilities to African farmers should not discriminate against the small-scale farmers. On the contrary, these small-scale farmers should receive priority by being given financial and moral support ahead of others. The government should assume more responsibility in this venture rather than leaving it to the private financing institutions as it is the case now.

Credit facilities to farmers should not require property as collateral, but should be based on viability of production, poverty and ability. It should be reckoned once again that during the early days of European settlement, loans were readily made available to poor European settlers, irrespective of their past farming experience.

8. Elimination of land ownership by unapproved absentees: There ought to be complete and total elimination of unapproved absentees as owners of land. African land owners who claim to be owner-cultivators should

be required by law to live on or near their farms, and wholly or partially take part in cultivation for at least nine months in a year. This, if adopted, would eliminate absentee-landlords, who are reported to be residing in the cities.

9. Minimum Farm Wages: The government should establish minimum farm wages, and also set up an effective machinery to enforce that wage structure.

10. The urge to increase Co-operatives: In order for Kenya to promote her agricultural potential, the need to increase and expand co-operative farming instead of the present individual farming, is not only necessary, but a must. Agricultural revolution will come about only if and when all the farmers come together and farm in alliance with one another. However, all this cannot be done if those in the government are not progressive.

11. Restitution of Communal land ownership: We established that liquidation of the communal land-owning system and transfer of land to private peasant and elite ownership "raises the risk of excessive indebtedness, and eventual concentration of ownership of land in the hands of those who have money to lend, and leads to the

emergence of a destitute landless class".²² For this reason and many others, we therefore recommend that restoration of communal landownership could avoid this danger. In this regard, the government would assume the position of 'trustee'.

Unfortunately, as of now the Uhuru Government has shown itself to be incapable of re-orientation, by pursuing the above course. This is demonstrated through her unpopular land policies, inadequate loans and corruption (involving government members) acquiring enormous farms at the expense of the landless poor. Ignorance of her citizens' abject poverty is the pitiful condition of the Government. Not only has the Uhuru Government forgotten or disregarded that old 'cry' for the return of the Highlands, and the need for a new socio-economic order, it would seem as though it is in league with the enemies of that 'cry', and of that hoped-for socio-economic order.

²²"The Economic Development of Tanzania", The Report of a Mission Organized by the International Bank for Reconstruction and Development (Baltimore Press, 1961), p. 95.

Hence, if the Uhuru Government persists in following this course, it will definitely lead to rapid and dangerous class differentiation and bitter antagonism among Africans themselves. This author is confident that no one in Kenya, including the government^o would like such an ugly state of affairs to emerge. But the land issue in Kenya cannot be resolved under the present circumstance, unless and until the Kenya Government comes out clearly with its new economic and political path. The present piecemeal policies are definitely not the answer. It is our conjecture therefore, that the government, for the welfare of her nationals, will take amicable steps to prevent an ugly occurrence. Otherwise, the people may once again be attempted to think that perhaps another form of confrontation or violence is the only and best answer.

The point, then, is that the Mau Mau ideology which was based on racism in reverse never materialized during Uhuru (since its leadership never gained political power in Kenya). Thus the white racist policies of the colonial powers continued in Kenya; but since the Kenyans who are in power are more British than the British, it would

hardly be valid to blame the British for the perpetuation of the colonial psychosis. To this extent, therefore, our use of race as a variable can be shown to be not the only controlling factor (as would have been the case had the Mau Mau ideology proved effective).

Other factors include economic as well as the emergence of a Kenyan middle-class as a by-product (essentially ministers, parliamentarians and top civil servants). The government's fear is that the nation's economy would collapse if the whites were pushed out of the Highlands.

In conclusion, we therefore assert that where the following variables: (1) continuing strong colonial presence in education and other strategic branches of the civil service; (2) stratification system which is growing increasingly rigid, and (3) political leadership composed of 'moderate' politicians, are present in a nation, it is here concluded that there will be a tendency for equal land distribution not to take place.

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APPENDICES

APPENDIX 1

THE MASAI AGREEMENTS

(Referring to Sections 645 and 650 of the Report.)

AGREEMENT, DATED 10th AUGUST, 1904, BETWEEN HIS MAJESTY'S COMMISSIONER FOR THE EAST AFRICA PROTECTORATE AND THE CHIEFS OF THE MASAI TRIBE.

We, the undersigned, being the Lybon Chiefs (representatives) of the existing clans and sections of the Masai tribes in the East Africa Protectorate, having this 9th day of August, 1904, met Sir Donald Stewart, His Majesty's Commissioner for the East Africa Protectorate and discussed fully the question of a land settlement scheme for the Masai, have of our own free will, decided that it is for our best interests to remove our people, flocks and herds into definite reservations away from the railway line, and away from any land that may be thrown open to European settlement.

We have, after having already discussed the matter with Mr. Hobley at Nairobi and Mr. Ainsworth at Nairobi, given this matter every consideration, and we recognize that the Government, in taking up this question, are taking into consideration our best interests.

Now we, being fully satisfied that the proposals for our removal to definite and final reserves are for the undoubted good of our race, have agreed as follows:—

That the Elburgu, Gekunuki, Loita, Dama and Laikutok sections shall remove absolutely to Laikipia, and the boundaries of the settlement shall be, approximately, as follows:—

On the north, by the Lerooghi Mountains.

On the west, by the Laikipia (Ngoror) Escarpment.

On the south, by the Lesuswa or Nyam and Guaso Narok Rivers.

On the east, by Kisima (approximate).

And by the removal of the foregoing sections to the reserve we undertake to vacate the whole of the Rift Valley, to be used by the Government for the purposes of European settlement. Further, that the Kapiei, Matapatu, Ndogalani and Sigorari sections shall remove into the territory originally occupied by them to the south of Donyo Lamuyu (Ngongo), and the Kiscarian stream, and to comprise within the area the Donyo Lamuyu, Ndogalani, and Matapatu Mountains, and the Donyo Narok, and to extend to Sesian on the west.

In addition to the foregoing, Lenama, as Chief Lybon, and his successors, to be allowed to occupy the land lying in between the Mbagathi and Kiscarian streams from Donyo Lamuyu to the point where both streams meet, with the exception of land already occupied by Mr. Oulton, Mr. McQueen, and Mr. Paterson.

APPENDIX 1 - contd.

In addition to the foregoing, we ask that a right of road to include certain access to water be granted to us to allow of our keeping up communications between the two reserved areas, and, further, that we be allowed to retain control of at least five square miles of land (at a point on the slopes of Kimangop to be pointed out by Legalishu and Masakondi), whereat we can carry out our circumcision rites and ceremonies, in accordance with the custom of our ancestors.

We ask, as a most important point in this arrangement, that the Government will establish and maintain a station on Laikipia, and that officers whom we know and trust may be appointed to look after us there.

Also that the Government will pay reasonable compensation for any Masai cultivation at present existing near Nairobi.

In conclusion, we wish to state that we are quite satisfied with the foregoing arrangement, and we bind ourselves and our successors, as well as our people, to observe them.

We would, however, ask that the settlement now arrived at shall be enduring so long as the Masai as a race shall exist, and that European or other settlers shall not be allowed to take up land in the Settlements.

In confirmation of this Agreement, which has been read and fully explained to us, we hereby set our marks against our names as under:—

Leana, Son of Mbatian, Lybon of all the Masai.
Masakondi, Son of Aruria, Lybon at Naivasha.

Signed at Nairobi, 15th August, 1901:—

Lemua, Ehmura of Matapatu.
Leteregi, Ehmura of Matapatu.
Lelmuana, Ehmura of Ndogalani.
Lakenbe, Ehmura of Ndogalani.
Lisiari, Ehmura of Ndogalani.
Mepaku, Head Ehmura of Matapatu.
Lambari, Legaman of Ndogalani.

Naivasha, representing Eiburgu, Gekumuki, Laita, Damat and Laibatok:—

Legalishu, Legaman of Eiburgu.
Olimpata, Legaman of Eiburgu.
Oloimodo, Legaman of Eiburgu.
Olotopia, Legaman of Eiburgu.
Olieti, Legaman of Eiburgu.
Lamairagu, Legaman of Eiburgu.
Lingahlu, Legaman of Eiburgu.
Gionomon, Legaman of Eiburgu.
Liwala, Legaman of Gekumuki.
Lemboji, Legaman of Laibatok.

APPENDIX 1 - contd.

Signed at Nairobi, 10th August, 1904:—

Sabari, Eburia of Elburgu.

We, the undersigned, were interpreters in this Agreement:—

C. W. Hobley (Swahili).

Mwe s/o Luchugu (Masai).

Lybich s/o Keretu (Masai).

Waziri bin Muryubego (Masai).

I, Donald Stewart, K.C.M.G., His Majesty's Commissioner for the East Africa Protectorate, hereby agree to the foregoing, provided the Secretary of State approves of the Agreement, and in witness thereof I have this 10th day of August, 1904, set my hand and seal.

D. Stewart.

We, the undersigned officers of the East Africa Protectorate Administration, hereby certify that we were present at the meeting between His Majesty's Commissioner and the Masai at Naivasha on the 9th August, 1904, and we further heard this document fully explained to them, and witnessed their marks affixed to same:—

C. W. Hobley, Acting Deputy Commissioner.

John Ainsworth, His Majesty's Sub-Commissioner, Ukamba.

S. S. Bagge, H.M. Sub-Commissioner, Kisumu.

J. W. T. McClellan, Acting Sub-Commissioner, Naivasha.

W. J. Monson, Acting Secretary to the Administration.

I, Donald Stewart, K.C.M.G., His Majesty's Commissioner for the East Africa Protectorate, hereby further agree to the foregoing parts of this Agreement concerning Kapte, Matapatu, Ndogalani and Sigarari Masai, provided the Secretary of State approves of the Agreement, and in witness thereof I have this 15th day of August, 1904, set my hand and seal.

D. Stewart.

We, the undersigned officers of the East Africa Protectorate, hereby certify that we were present at the meeting between His Majesty's Commissioner and the Masai at Nairobi on the 15th August, 1904, and we further heard this document explained to them, and witnessed their marks affixed to same:—

C. W. Hobley, Acting Deputy Commissioner.

John Ainsworth, His Majesty's Sub-Commissioner, Ukamba.

P. T. Gillison, Acting Land Officer.

W. J. Monson, Acting Secretary to the Administration.

I, the undersigned, hereby certify that I translated the contents of this document to the Masai Lybich, who, I believe, interpreted it correctly to the Masai assembled at both Naivasha and Nairobi.

John Ainsworth, His Majesty's Sub-Commissioner.

AGREEMENT OF 1911.

AGREEMENT.

We, the undersigned, being the Paramount Chief of all the Masai and his regents and the representatives of that portion of the Masai tribe living in the Northern Masai Reserve, as defined in the agreement entered into with the late Sir Donald William Stewart, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, His Majesty's Commissioner for the East Africa Protectorate, on the ninth day of August, One thousand nine hundred and four, and more particularly set out in the Proclamation of May thirtieth, One thousand nine hundred and six, and published in the Official Gazette of June first, One thousand nine hundred and six, do hereby on our own behalf and on behalf of our people, whose representatives we are, being satisfied that it is to the best interest of their tribe that the Masai people should inhabit one area and should not be divided into two sections as must arise under the agreement aforesaid whereby there were reserved to the Masai tribe two separate and distinct areas of land, enter of our own free will into the following agreement with Sir Edouard Percy Cranwill Girouard, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Member of the Distinguished Service Order, Governor and Commander-in-Chief of the East Africa Protectorate, hereinafter referred to as "the Governor":

We agree to vacate at such time as the Governor may direct the Northern Masai Reserve which we have hitherto inhabited and occupied and to remove by such routes as the Governor may notify to us our people, herds and flocks to such area on the south side of the Uganda Railway as the Governor may locate to us the said area being bounded approximately as follows, and as shown on the attached map:—

On the south by the Anglo-German frontier.

On the west by the Ol-omkoti Range, by the Amala River, otherwise called Ang-are-dabash, or Eng-are-a-n-gipai, by the eastern and northern boundaries of the Sotik Native Reserve, and by a line drawn from the most northerly point of the northern boundary of the Sotik Native Reserve to the south-eastern boundary of the land set aside for Mr. E. Powys Cobb, on Mau;

On the north by the southern and eastern boundaries of the said land set aside for Mr. E. Powys Cobb, and by a straight line drawn from the north-eastern boundary of the said land to the highest point of Mount Suswa, otherwise called Ol-doinyo Onyokie;

On the east by the Southern Masai Native Reserve, as defined in the Proclamation dated June eighteenth, One thousand nine hundred and six, and published in the Official Gazette of July first, One thousand nine hundred and six.

Provided that nothing in this agreement contained shall be deemed to deprive the Masai tribe of the rights reserved to it under the agreement of the August ninth, One thousand nine hundred and four aforesaid.

APPENDIX 1 - contd.

said to the land on the slopes of Kibungop whereon the circumcision rites and ceremonies may be held.

In witness whereof and in confirmation of this agreement which has been fully explained to us we hereby set our marks against our names as under:--

Mark of *Segi*, Son of Ol-onana (Lemana), Paramount Chief of all the Masai.

Mark of *Ol-le-Gelesho* (Lagali-shu), Regent during the minority of Segi, head of the Moleyan Clan, and chief spokesman (Ol-aigwanani) of the Il-Kitoip (Il-Merisho) age grade of the Purko Masai.

Mark of *Ngaroga*, Regent during the minority of Segi, of the Aiser Clan.

Mark of *Ol-le-Yeli*, head of the Mokesen Clan of the Purko Masai, and one of the spokesmen (Ol-aigwanani) of the Il-Kitoip (Il-Merisho) age grade of the Purko Masai.

Mark of *Ol-le-Tarete*, head of the Mokesen Clan of the Purko Masai.

Mark of *Ol-le-Mait*, one of Masikondi's representatives, of the Lughumae branch of the Aiser Clan of the Purko Masai.

Mark of *Ol-le-Matige*, one of Masikondi's representatives, of the Lughumae branch of the Aiser Clan of the Purko Masai.

Mark of *Ol-le-Nakoly*, head of the Tarosero Clan of the Purko Masai.

Mark of *Ol-le-Naigisa*, head of the Aiser Clan of the Purko Masai.

Mark of *Mumaro*, uncle and personal attendant of Segi.

Mark of *Sabuni*, the Prime Minister of the late Chief Ol-onana (Lemana), and principal elder of the Southern Masai Reserve.

Mark of *Agali*, uncle of Segi, representing the Loita Masai.

Mark of *Ol-le-Tanyai*, of the Tarosero Clan, chief spokesman (Ol-aigwanani) of the Lemek (Maitaroni) age grade of the Purko Masai.

The above set their marks to this agreement at Nairobi on the fourth day of April, nineteen hundred and eleven.

A. C. Hollis, Secretary, Native Affairs.

Ol-le-Masikondi, head of the Lughumae section of the Aiser Clan, chief elder of the Purko Masai, called in the former treaty Ol-Oboni of the Purko Masai.

Ol-le-Balict, head of the Aiser Clan of the Purko Masai on Laikipia, Ol-aigwanani of the age known as Il Merisho.

APPENDIX 1 - contd.

The above set their marks to this agreement at Rumuruti on the 13th day of April, 1911.

E. D. Browne, Assist. District Commissioner, Laikipia.

Witness: *A. J. M. Collyer*, District Commissioner, Laikipia.

His mark: *Ol-le-Lengiri*, of the Aiser Clan, Purko Masai.

His mark: *Ol-le-Geshcen*, head of Tamosero Clan of Purko Masai.

His mark: *Ol-le-Salon*, brother of *Ol-le-Kitokosh*, as a deputy for *Ol-le-Kitokosh*.

The above set their marks to this agreement at Rumuruti on the 13th day of April, 1911.

E. D. Browne, Assist. District Commissioner, Laikipia.

We, the undersigned, certify that we correctly interpreted this document to the chiefs, regents and representatives of the Masai who were present at the meeting at Nairobi.

A. C. Hollis, Secretary, Native Affairs.

Ol-le-Ticha, of the Aiser Clan.

We, the undersigned, certify that we correctly interpreted this document to the representatives of the Masai at Rumuruti.

A. J. M. Collyer, District Commissioner.

Ol-le-Ticha (his mark).

In consideration of the above, I, Edouard Percy Crauwil Girouard, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Member of the Distinguished Service Order, Governor and Commander-in-Chief of the East Africa Protectorate, agree on behalf of His Majesty's Government, but subject to the approval of His Majesty's Principal Secretary of State for the Colonies to reserve for the exclusive use of the Masai tribe the area on the south side of the Uganda Railway as defined here and as shown on the attached map, which area is coadunate with the Southern Masai Native Reserve and to further extend the existing Southern Masai Native Reserve by an addition of an area of approximately three thousand and one hundred square miles, such area as shown on the accompanying map the approximate boundaries being on the south, the Anglo-German Frontier, on the west the eastern boundary of the Juba Southern Masai Reserve; on the north and east by the Uganda Railway zone from the Aibi River to Sultan Hamud railway station, thence in a line drawn from the said station to the north-west point of the Chindri Range, thence along the Chindri Range to the south-eastern extremity thereof, thence by a straight line to the meeting point of the Engare Rōwai and the Tsavo Rivers, thence by the Engare Rōwai River to the Anglo-German Frontier; and to undertake on behalf of His Majesty's Government to endeavour to remove all European settlers from the said areas and not to lease or grant any land within the said areas (except such land as may be required for mining purposes or for any public purpose) without the sanction of the paramount chief and the representatives of the Masai tribe.

APPENDIX 1 - contd.

In witness whereof I have hereunto set my hand and official seal
this twenty-sixth day of April, One thousand nine hundred and eleven.
(L.S.)

Signed, sealed and delivered by the within named Sir Edouard
Percy Cranwill Girouard, in the presence of A. C. Hollis.

E. P. C. Girouard.

We, the undersigned, were present at a meeting between His
Excellency the Governor and the Masai at Nairobi on the fourth day
of April, One thousand nine hundred and eleven, and we heard this
document explained to the chief and the representatives of the Masai,
who entered into this agreement of their own free will and with full
knowledge of the contents thereof.

R. M. Combe, Crown Advocate.

C. W. Hobley, Provincial Commissioner, Ukamba.

John Ainsworth, Provincial Commissioner, Nyanza.

C. B. W. Lane, Provincial Commissioner, Naivasha.

B. L. Hinde, Provincial Commissioner, Naivasha.

J. W. T. McClellan, Provincial Commissioner, Kenya.

A. C. Hollis, Secretary for Native Affairs.

C. C. Bowring, Treasurer and M.L.C.

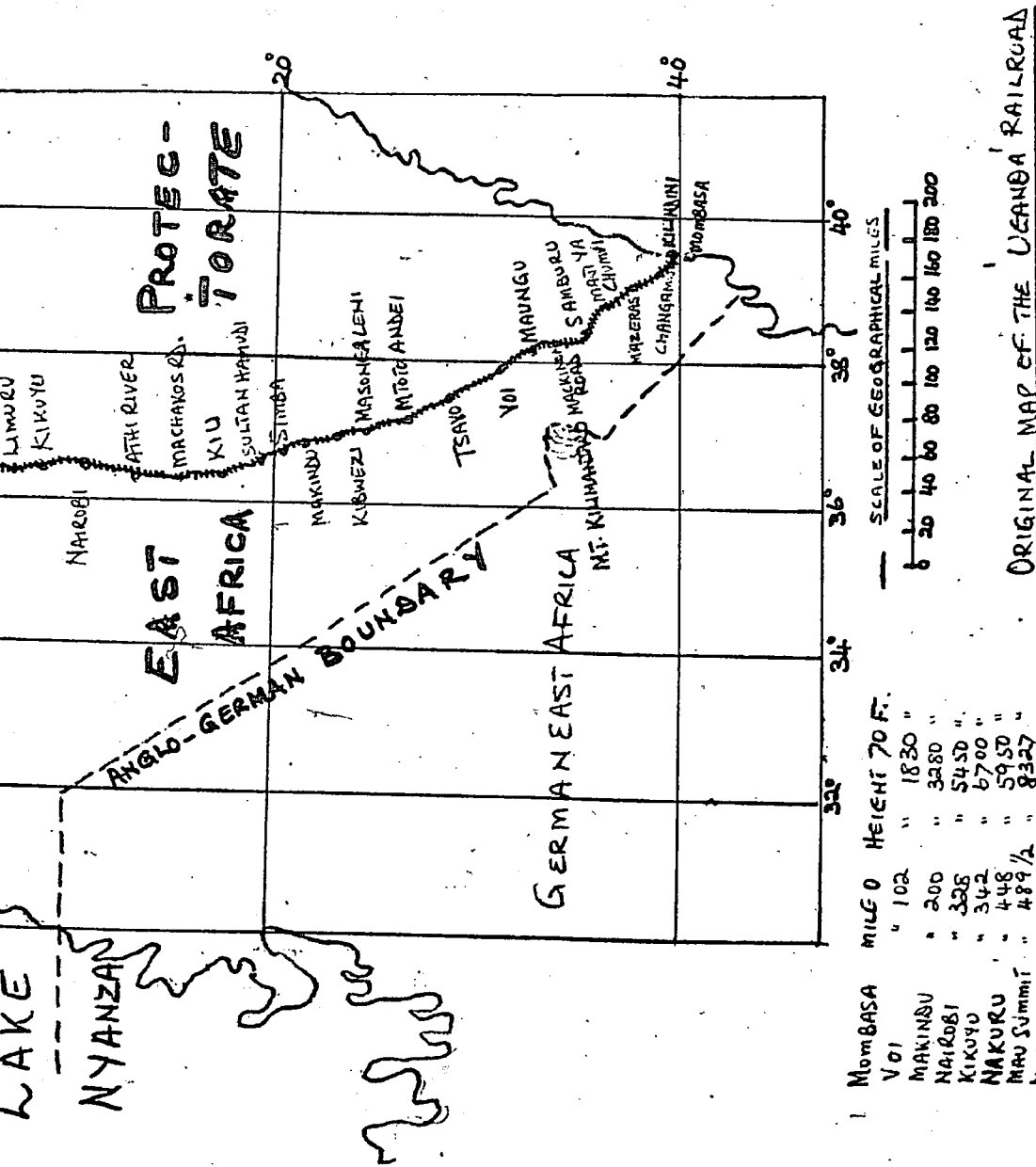
APPENDIX 2

The Extent of Land now in Occupation by Missions, which has been "Taken from Kikuyu."

(The reference is to section 541 of the Report.)

The following Mission Stations fall wholly or partly within the area which we have found to have been Kikuyu Territory, but have been excluded from the native reserve:—

	<i>Acres</i>
1. <i>Church of Scotland Mission.</i>	
Of the 3,000 acres of the Church of Scotland Mission Station at Kikuyu, the portion which falls within the area found to have been Kikuyu territory is 2,000 acres	2,000
2. <i>Consolata Catholic Mission.</i>	
Of the Consolata Catholic Mission Station at Nyeri the portion which falls within the area found to have been Kikuyu territory is 2,227 acres, of the Consolata Catholic Mission Station at Limuru the whole (644 acres) falls within the area found to have been Kikuyu territory	2,871
3. <i>The White Sisters Mission.</i>	
Of the White Sisters Mission 5,150 acres fall within the area which we have found to have been Kikuyu territory, but is a part which we have found to have been, as to half of it, "lost by abandonment." The amount fully within the area "taken from the Kikuyu" is therefore 2,575 acres	2,575
4. <i>The White Sisters (St. Austin's Mission).</i>	
Of the St. Austin's Mission Station the part which falls within the area which we have found to have been Kikuyu territory is 374 acres	374
5. <i>The Church Missionary Society.</i>	
The Church Missionary Society's Station at Kabete falls wholly within the area which we have found to be Kikuyu territory	19
6. <i>Mission Islands in the Reserve.</i>	
(See section 223 (a). Item 11).	
There are several mission stations held on lease in the reserve, but these are not excluded from the reserve and are therefore not counted in this total. Only areas held on freehold are counted. They comprise L.O. 1150 (30 acres) and L.O. 1067 (32 acres), and other small areas making up the total of approximately 100 acres or 0.16 square miles	100
Total	7,930



ORIGINAL MAP OF THE UGANDA RAILROAD

Box 1975
Nairobi
7th August, 1952

The Chairman
Elected Members' Organization
Box 1730
Nairobi

Dear Sir,

In enclosing the attached I feel it might be useful to you were I to give you the background to one aspect of the recommendations of the Executive Committee, namely, the neutralization of political leaders.

The Executive Committee were very much aware of the fact that in the past they had urged on the then Member for Law and Order, Mr. Foster Sutton, the need to neutralize certain African leaders. It is not necessary to mention names.

At the time Mr. Foster Sutton opposed this suggestion on the ground that the neutralization of leaders would grant them a very undesirable martyrdom. The Committee then somewhat reluctantly accepted Mr. Foster Sutton's viewpoint. In light of recent events the Executive Committee consider that their opinion of three or four years ago has now been vindicated and that in the case of subversive leaders it is quite clear that steps must be taken in some way for their neutralization or liquidation.

The Executive Committee furthermore considered that to permit such leaders to continue to operate was a dereliction of the duty of Trusteeship as those who suffered most from the activities of such persons undoubtedly were the mass of decent law abiding Africans.

Yours faithfully

Signed, KENDALL WARD
EXECUTIVE OFFICER

APPENDIX 5

Excerpts from the Editorial of a Tanzanian Newspaper --
The Nationalist, dated June 28, and 29, 1965:

Reading through the document one emerges with a strong suspicion that the writer of this "African Socialism" is neither an African nor a Socialist. Far from being a policy for socialism, all the arguments advanced are AGAINST socialism and FOR capitalism....Indeed from para 18 to 22 include is a repetition of anti-socialist arguments one got accustomed to reading from the capitalist economists. You waited anxiously to read arguments against capitalism, even LAISSEZ-FAIRE, but there was none....In other words, the writer is a capitalist who wants to make Capitalism accepted in Africa.... No wonder this "African Socialism" has been hailed by all the capitalist Press in Kenya and in London as the best form of socialism.

Socialism does not come by government decrees, either as this document was presented to the people of Kenya. Being an instrument of the people in the fight against capitalism, socialism must come from the people themselves, through their own party organizations which is uncorrupted and uncorruptable by the machination of the forces of exploitation and reaction....Can anyone seriously suggest that a reactionary, say like any leading Kenya settler, will automatically become an "African Socialist!" once he takes a party membership card?

He will certainly like to take a membership card, not to become a socialist, but to make organization serve his interests.

Para 27 to 30 mention about uses of resources one of them being land. But this African Socialism does not say anything about land reform. In essence it denies the right of peasants to own land by bringing in arguments about traditional tribal land ownerships which are irrelevant to modern requirements. It does not say categorically that those who have no land shall have it, but instead begs the question by stating that "ownership of land must be made more definite and explicit if land consolidation and development are to be fully successful". What is to prevent those who have large tracts of land from having more land at the expense of landless peasants?

APPENDIX 5 Cont'd

They will only have to prove that they are capable of making "proper or better use" of the land and they will have it! So capital resources will continue to expand and the poor peasant with hardly any implements of production will progressively grow weaker until the state eventually takes away the land from him on the argument that he is incapable of making "proper use" of it. The rich gets richer and the poor poorer.

If this document was really for "African Socialism" then co-operatives would have been the instrument towards that goal.... (June 28, 1965), p. 6.

In revolutionizing Agriculture through public ownership of land, and co-operatives to provide modern technique, there will be a greater supply of food....

Essentially, "African Socialism" as presented to us takes a negative, capitalist approach to the problems of economic growth of emerging countries. It is aimed at controlling the social forces from exploding rather than at mobilizing these forces for production. When masses are mobilized for production they bring with them new hitherto unknown techniques and innovations, unexploited available natural resources, and history has shown that these large unexploited backlogs make for a low capital/output ratio.... (June 29, 1965), p. 6.

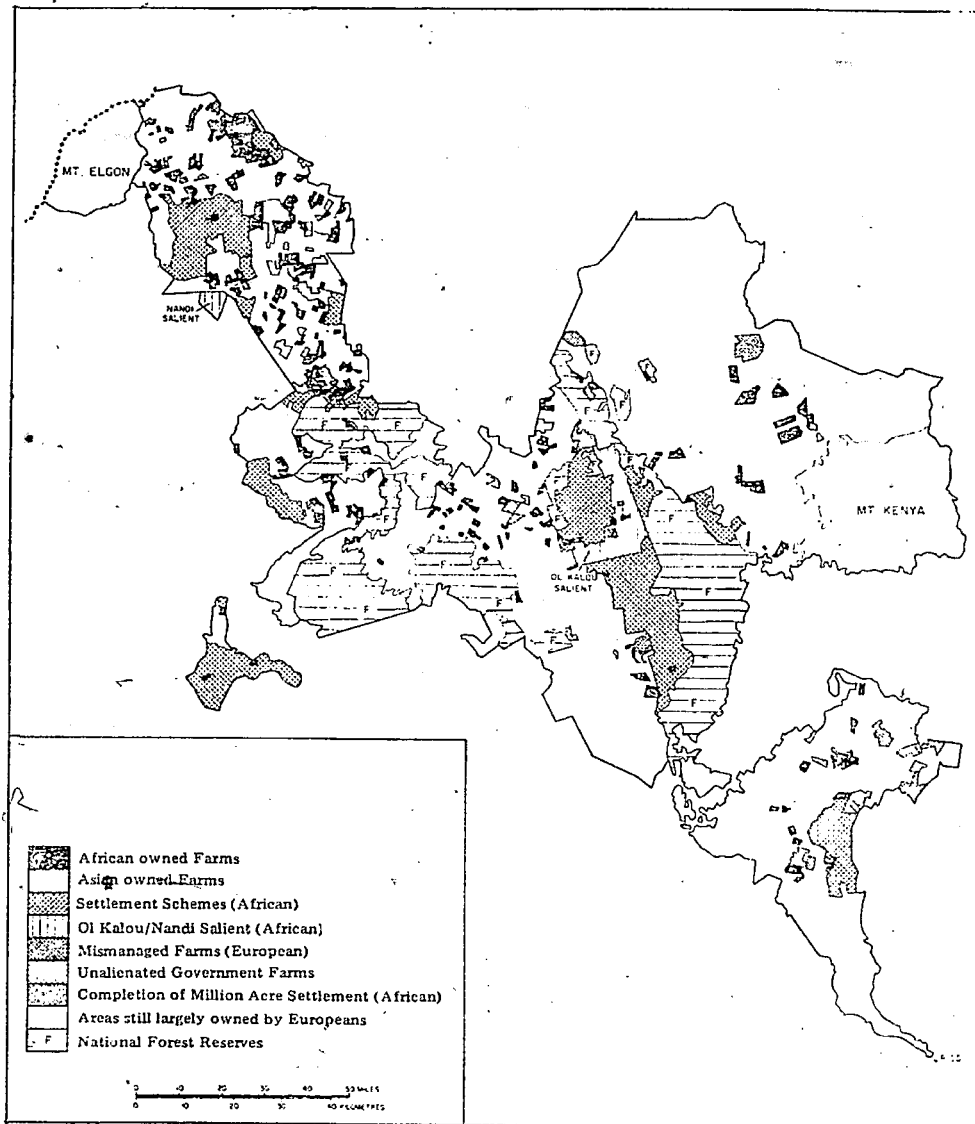


Fig. 81 The state of land ownership in the Kenya Highlands 1967

APPENDIX 7

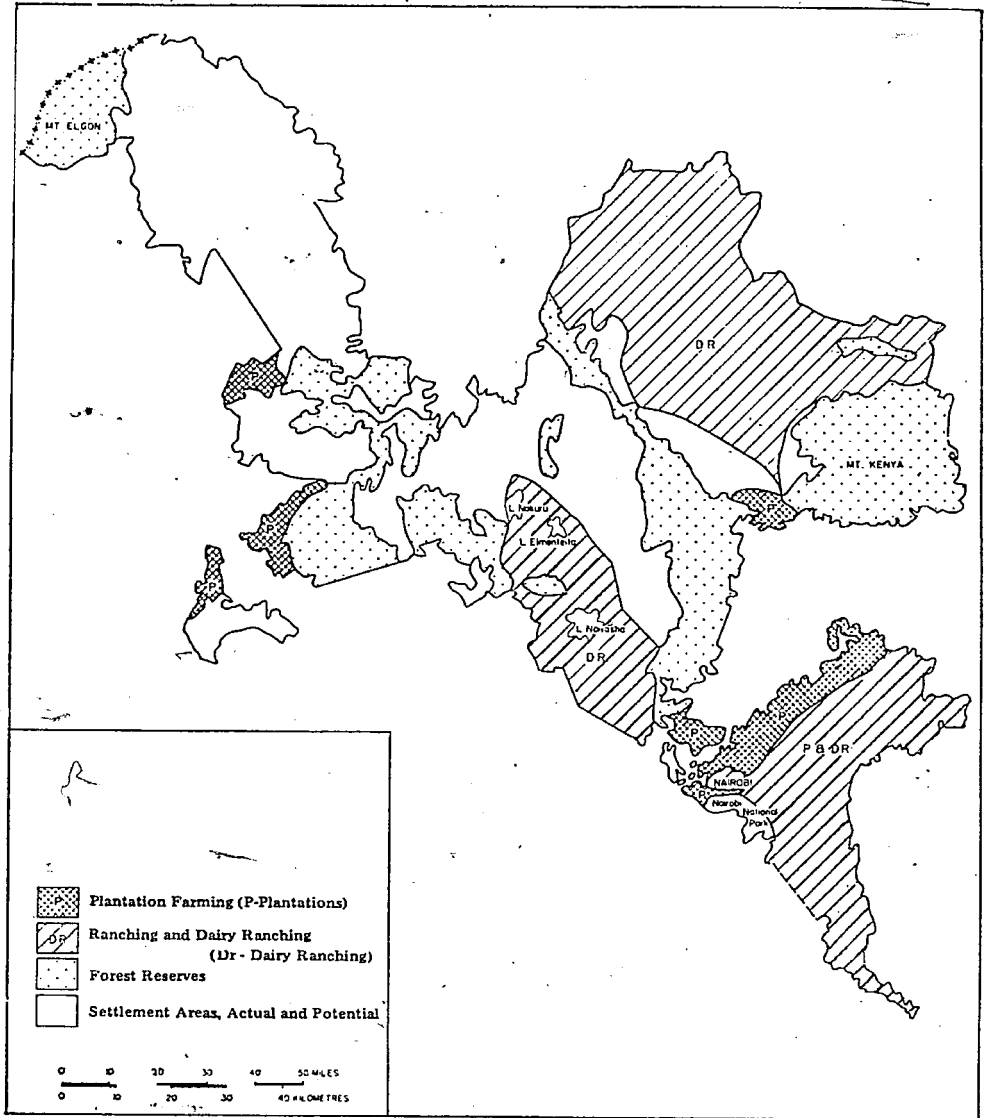


Fig. 82 Areas considered unsuitable for settlement

APPENDIX 8

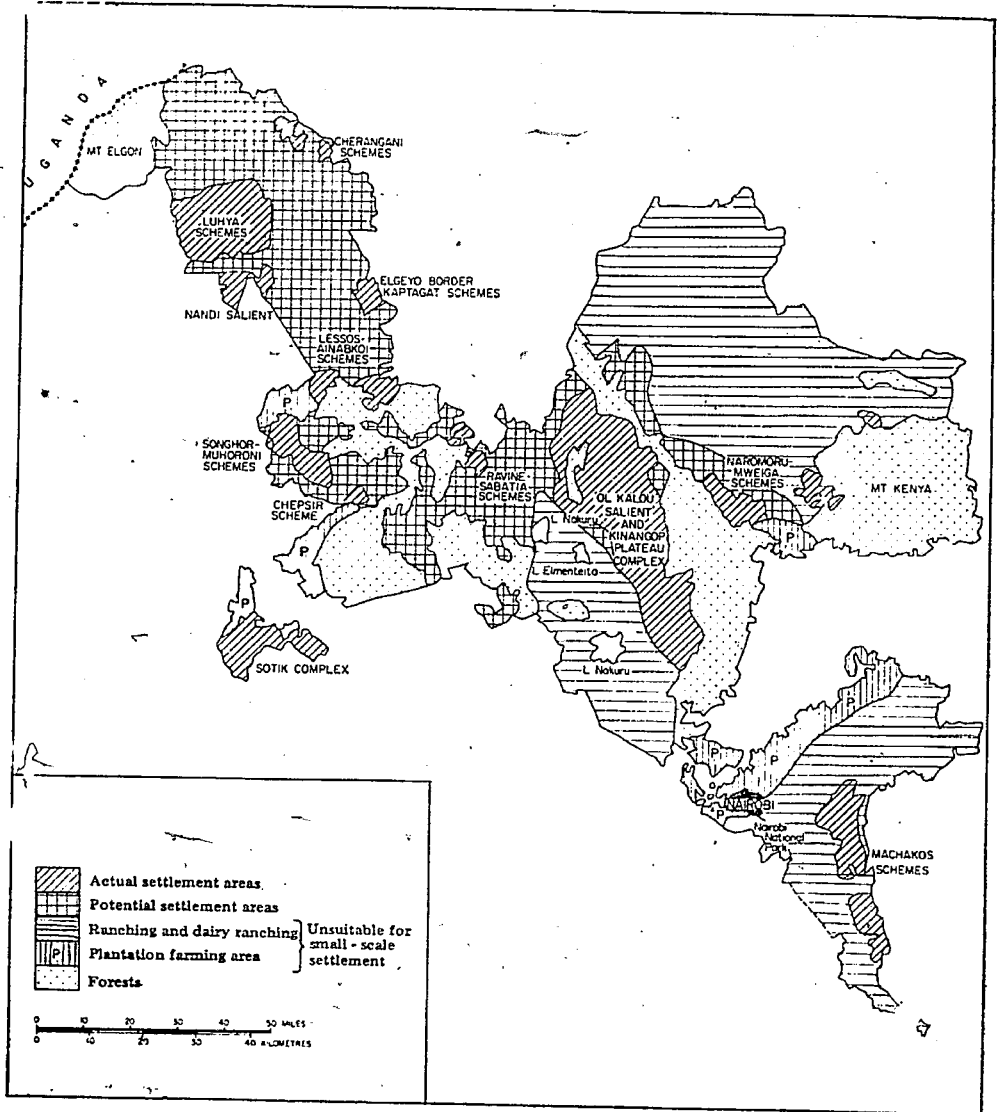


Fig. 83 Potential settlement areas

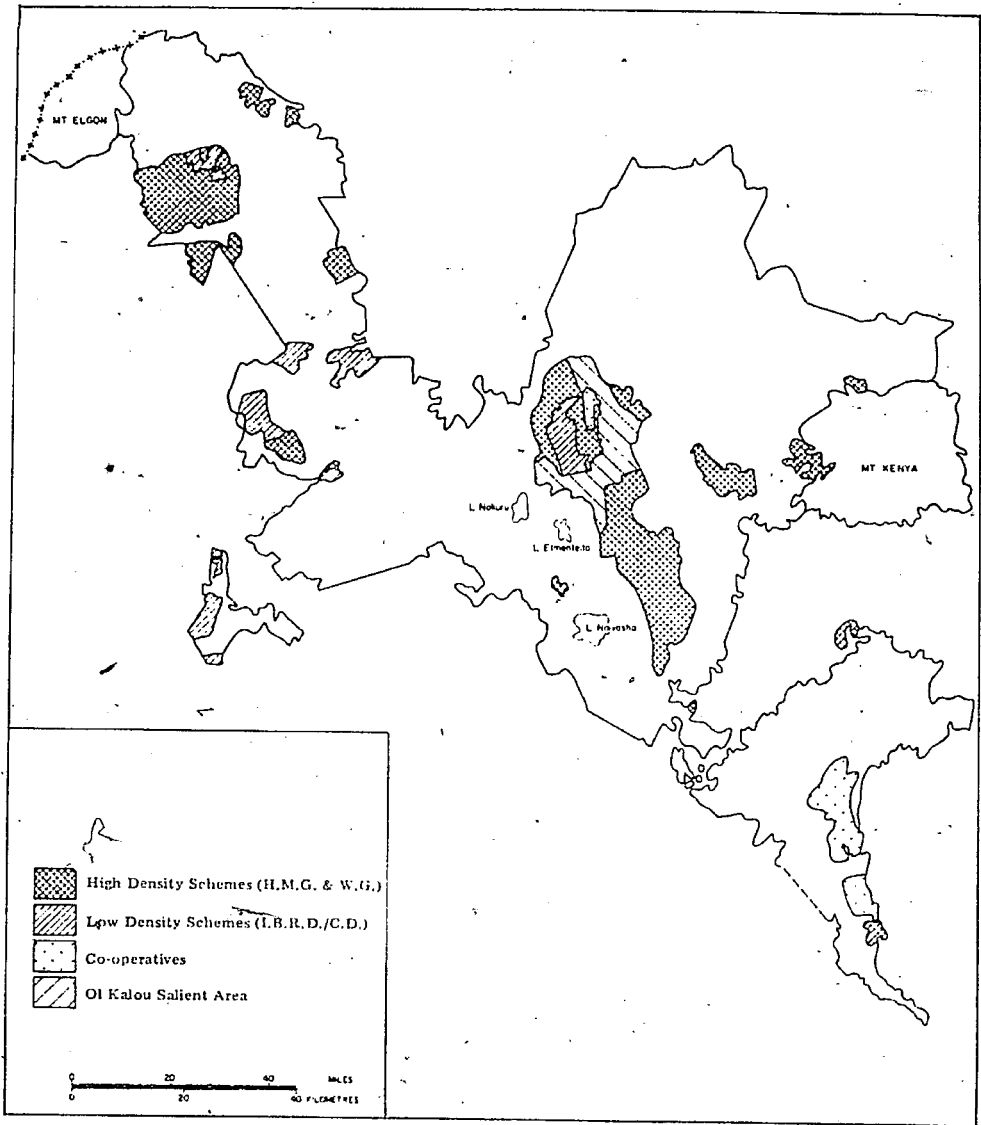


Fig. 84 Types of settlement schemes

APPENDIX 10

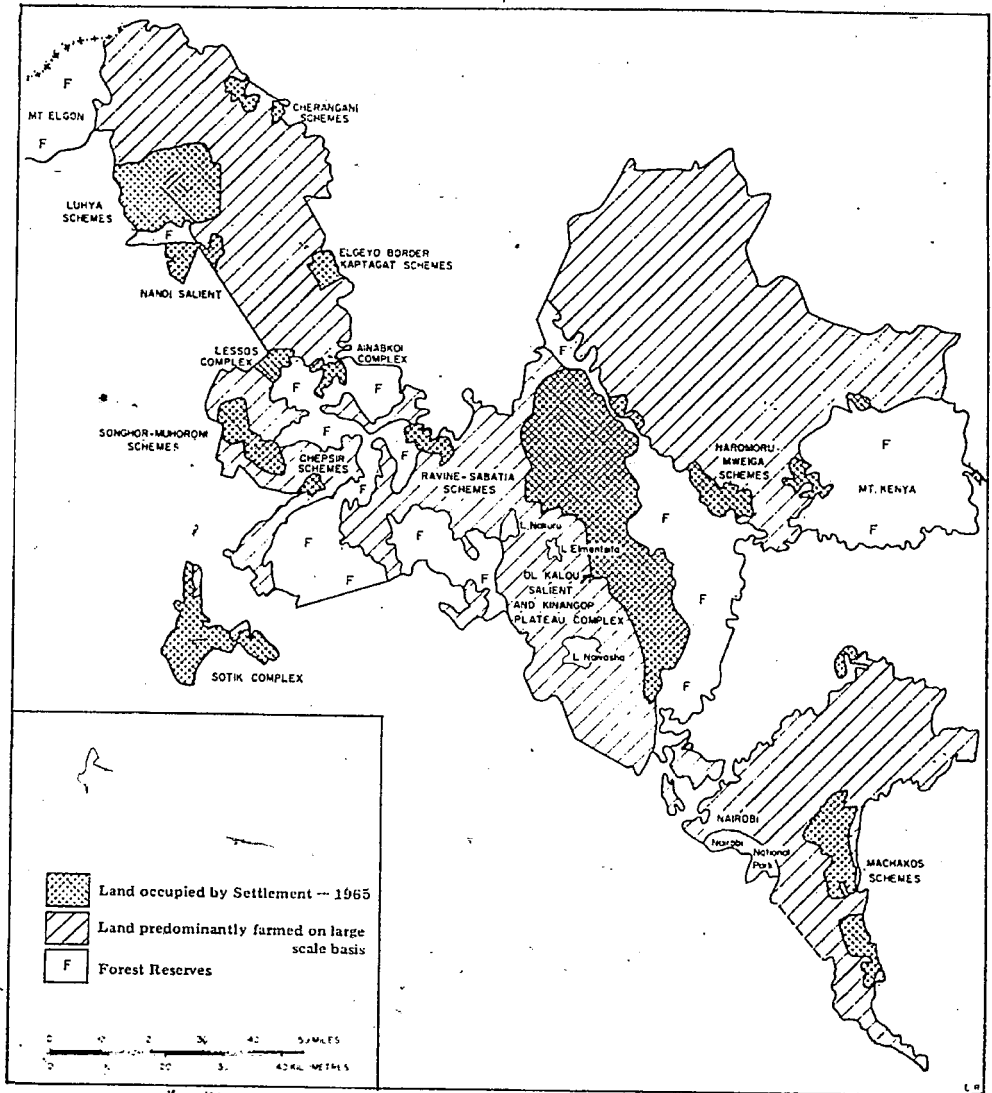


Fig. 85 Settlement areas 1965

74

1633

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