

Gov's Dep., Kenya 7.1.38.
Requests formal approval, as soon as possible, to reclassification of certain area on Yatta Plateau as "B2" and to cause this to be Kitui Akamba - girls reasons through.

The relative ^{exact} map and paragraphs from the Land Commission Report are attached (see also map under 1 on 36005/4/35).

It is proposed to make the area (shaded red) on the map as a class "B2" reserve instead of a "C" area. The reasons for this are:-

1. It was recommended (paragraph 702 of the Land Commission report) that the whole Kamba Reserve should be treated as a unit, but at the moment this is made impossible administratively by the presence of this wedge of territory between the two halves of the Reserve.
2. The "B1" area adjoining this wedge is being used exclusively by the Machakos Akamba, and the Kitui Akamba claims have not yet been considered.
3. Erosion is as bad in the Kitui as in the Machakos area. (A large report on erosion on the Kitui Reserve came in a few days ago)
4. No other tribe is likely to want the land.
5. The land is not very suitable as a "C" area since such areas are supposed to have good agricultural possibilities which this area has not.

It is therefore proposed to add this area to class "B2" reserve for 10 years at a nominal rent of 100/-, subject to the soil conservation conditions and provisions for the utilisation of revenue laid down for "C" areas. The proposal seems sound and may be approved.

The Provincial Commⁿ, the resident members of the Land Commⁿ, and we & Co. all agree to the proposal.

Clotie White

? A Moore

P.T.O.

W. D. Howe
15.1

Sir, K. S. S. S.

The various categories are explained in § 14 & 3 of the Report. C land is intended to be available for individual (or group) native settlement outside the tribal system, and the map in the pocket of the Report shows that little is available for this purpose.

It is intended, in effect, to maintain C principles on this, yet to stop even though cutting it B₂ land - i.e. Kamba families will be settled there, and as their tenure is probably worse but than any other by erosion the limitation to them is not unreasonable.

I remain,

Yours faithfully,

and

17.1.38

2. In Kenya 38 - 21 JAN 1938

Have been
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ON FACILITIES FOR NATIVES OUTSIDE RESERVES
PART III—CHAPTER VIII]

1881. We have already recommended (section 1469) that the external boundaries should be under the protection of an Order in Council and of the Lands Trust Board, and we now recommend that any rules made for the management and control of land in C Areas should be under the Lands Trust Ordinance. We consider that the Governor should have the power to make such rules, subject to a power of disallowance by the Secretary of State.

1882. We consider that natives wishing to obtain land in C Areas should apply through the District Commissioner of their reserve, except that in cases in which they are living a long way from their reserve they should be able to apply through the District Commissioner of the district in which they are living. The District Commissioner should help them to make their applications in suitable form, and should forward them to the Commissioner of Lands with his remarks.

1883. It will no doubt be possible for standard forms of application to be devised to suit the various types of lease required. This will be of advantage, provided that it does not lead to excessive standardization.

1884. The Commissioner of Lands should have the power of granting or refusing original applications from natives after reference to the Chief Native Commissioner. Provided that he should not grant an application to which the Chief Native Commissioner objects. When an application is granted, the Commissioner of Lands should execute the lease.

1885. We are strongly opposed to any measures which would seek to confine the various forms of lease too rigidly into categories. If we discuss in too great detail the conditions which should be imposed, we may convey the impression of attempting to stereotype. We shall therefore deal only with the leading features, and the major safeguards which in our opinion are essential to success. We shall first consider the conditions which should govern leases of land to natives.

1886. We shall distinguish between three main types: (a) Leases of land to be held on group tenure; (b) Leases of land to be held on individual title; (c) Leases to corporate bodies. We shall describe the general conditions which we consider to be suitable to each type, but this classification is for the sake of clearness only, and we do not suggest that every lease should necessarily conform to one or other of these patterns.

1887. Seeing that C Areas are primarily intended for natives who desire to hold land on a more individual type of tenure than is possible in the reserves, the necessity for group leases may be

Methods by which Natives should apply for Land.

Method of granting Original Applications from Natives.

Forms of Lease.

Reason for allowing Group Holdings.

PART II—CHAPTER IV]

UKAMBA PROVINCE

PROBLEMS AND RECOMMENDATIONS

Recommendation regarding the Yatta Plateau.

759. We recommend that the Yatta Plateau, an area of some 300 square miles between the Athi and Mwita Siano Rivers in the position shown on the sketch plan at the end of this chapter, be added to the Kamba Native Reserve as an extension (Class B. 1) made on economic grounds.

760. We do not deny that the Kamba had certain claims of historical grounds to an extent that they made intermittent and partial use of the land, and this might give colour to a claim that a proportion of the land, perhaps a quarter, should be added to their territory as Class A. When we deal, in the third part of our Report, with the distinctive safeguards to be provided for "A" and "B. 1" areas, it will be appreciated that the distinction is not very vital, and in either case an adequate security is conferred. But the claim, nevertheless, is worth something, and we propose to satisfy it. While the Yatta Plateau, in our submission, should be granted as Class B. 1, we shall recommend that satisfaction for the claim of right should be found by a grant of a further area as Class A. The position of this area will be shown below (sections 789 to 791).

761. We recommend as an absolutely essential condition of the addition of the Yatta Plateau to the Kamba Native Reserve, that the grant be accompanied by strict conditions of conservation, and that a scheme of utilization be formulated, which should have as its principal object the reconditioning of the reserve.

762. It will be noticed that we have recommended the Yatta Plateau to be added to the "Kamba Native Reserve" and not specifically to the Machakos (Ulu) Reserve or to the Kitui Reserve. This is because in the third part of our Report we shall recommend that, for all purposes of the Lands Trust Ordinance, the Kamba Reserves should be regarded as one. (Schedule following section 1510.)

Claim in respect of the Western Boundary between Machakos and Sultan Hamud.

763. The natives state that since the 1906 boundary of the reserve was proclaimed, a strip of land of varying width has been lost to them on their western boundary. A study of the map shows that the new boundary has been of a give and take character, and, although in some places small areas have been excised from the reserve, in others they have been added, and it would appear from the map that any gain or loss on balance is small.

764. At the same time, we are advised by the Survey Department that owing to the loose wording of the 1906 definition, it has proved impossible accurately to delineate the boundary on a map, and therefore any figures based on an attempt to put it on paper must be accepted with the utmost reserve. But owing to the give-and-take nature of the boundary, we are satisfied that the tribe as a whole has no ground for complaint, though possible

UKAMBA PROVINCE

PART II - CHAPTER IV

PROBLEMS AND RECOMMENDATIONS

754. It would seem that, in pre-Government days, the grazing grounds on the Yatta Plateau proved a constant bone of contention between the tribes which lived in their neighbourhood. Several place names commemorate the struggles which took place between rival Kamba and Masai, e.g. Mwakini Hill (from Mwakini, fire), which is the name of a hill of commanding eminence where Kamba beacon fires used to be lighted in order to warn the tribe of the approach of the Masai marauders, and Mwitā Siano, which means "Empty out the arrows" (i.e. from the quiver) in preparation for an engagement. Both these names are Kikamba.

755. We have unfortunately no further material evidence concerning early conditions on the Yatta Plateau. One thing is certain, that the Kamba had not the permanent and exclusive use of the area, and therefore they have not a complete claim of right to it on grounds of ancient occupation, though they have a nebulous claim in respect of intermittent grazing over an indeterminate area.

756. Ever since 1913 the natives have on numerous occasions been given permission to graze their cattle on the Yatta Plateau on licence. This permission has not been withheld since 1924, and has sometimes been granted on payment of grazing fees and sometimes free of charge. But during this period it has always been represented to the Kamba that the land is not theirs as of right.

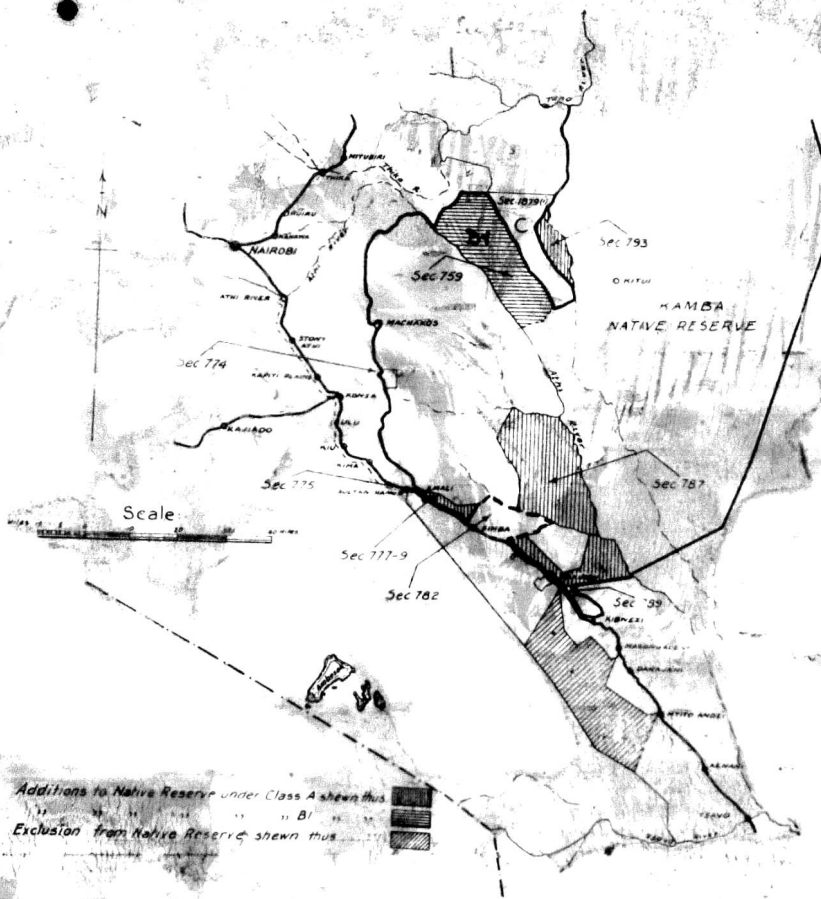
Extent to which the Kamba have been allowed to use the Yatta in later years.

757. The economic survey which we made in the last chapter shows that, although the average household has not more cattle than are necessary for its requirements, the reserve is already overstocked, and we are of opinion that it cannot be reconditioned without the provision of more land, and any scheme for improvement would be heavily handicapped if land of which the Kamba already have the permissive use were to be taken away. The last occasion on which permission to use the Yatta Plateau was withdrawn was in 1924, and heavy mortality of stock ensued, partly on account of stock diseases and partly through starvation. We therefore consider that the Yatta Plateau should be added to the Kamba Native Reserve on economic grounds. This will remove any apprehension on the score that the use of it may again be denied to the tribe.

The extent to which the use of the Yatta is necessary to the Kamba.

758. We shall not propose that the Kamba should have the remainder of the Yatta as we do not consider that it is required by them on economic grounds; moreover it is, in our opinion, required to satisfy the future needs of other natives. We have already proposed that the northern part of it be added to the Kikuyu Native Reserve as an extension (Class B. 1) on economic grounds, and we shall deal with the eastern part beyond the Mwitā Siano at a later stage in our Report.

DIAGRAM ILLUSTRATING THE
RECOMMENDATIONS REGARDING
THE KAMBA NATIVE RESERVE



To face section 706.