

**THE HISTORICAL PROCESS OF NANDI MOVEMENT
INTO UASIN GISHU DISTRICT OF THE KENYA
HIGHLANDS: 1906-1963**

BY

ABRAHAM KIBET ARAP LAGAT

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**A Thesis Submitted In Partial Fulfilment For The Degree of Master of ARTS
In The University of Nairobi, Department of History, 1995**

DECLARATION

This Thesis is my original work and has not been presented for a degree in any other University.

Abraham Kibet Arap Lagat

ABRAHAM KIBET ARAP LAGAT.

This Thesis has been submitted for examination with my approval as a University supervisor.

Dr. Macharia Munene

DR. MACHARIA MUNENE

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ABSTRACT

This study reconstructs the history of Nandi squatter labourers in Uasin Gishu district of Kenya between 1906 and 1963. It portrays the conflict and contradictions of a colonial situation. The major players were the squatters, the colonial state and the European settlers.

By impinging on Nandi socio-economic institutions, the colonial administration subjected the Nandi to specific demands. These included the alienation of their land, creation of a reserve and taxation. The colonial presence was also an important element in the consolidation of the once divergent Bororiosiek into a homogeneous Nandi society.

The thesis shows that the Nandi, though severely constrained, were not disheartened by colonial land alienation. Deprived of their vital grazing land and salt licks, they resourcefully exploited other survival opportunities in squatterdom.

It is finally suggested that aspects of underdevelopment of the Nandi squatters by the settlers, supported by the colonial government, was common in the whole process of squatterdom. The various Legislations ordering for the elimination of squatter stock was a means of underdeveloping the Nandi squatters whose cattle were a symbol of wealth and development. The white settlers represented the capitalist development which underdeveloped the squatters by eliminating their stock and limiting the land for cultivation. This study thus hinges on the framework of underdevelopment theory.

ACKNOWLEDGEMENTS

This work is the culmination of one year of research into Nandi squatter labourers in Uasin Gishu district of the Kenya Highlands in the period 1906-1963. The initial undertaking owes much to the support, encouragement and intellectual stimulation given by my supervisor, Dr. Macharia Munene of the University of Nairobi. His constructive and stimulating criticism of the earlier drafts is highly appreciated. I am also grateful to the University of Nairobi who without their financial support, I would not have carried out the study effectively.

I am greatly indebted also to the Kenya National Archives staff and to the many officials in the other libraries and archives I consulted who so patiently assisted me in locating documents. I wish to thank my various informants who willingly took time from their busy schedules to be interviewed. The data thus gathered has been vital in the writing of this thesis. I would also like to thank Abraham Sirma and John Mutai who assisted me in the fieldwork research as research assistants. Miss Dorcas Samoei typed the whole manuscript. I am very grateful for her patience and good work.

Finally, special thanks are due to my parents for their generous encouragement throughout my studies. However, the responsibility for any errors or distortions in this thesis is entirely mine.

ABBREVIATIONS

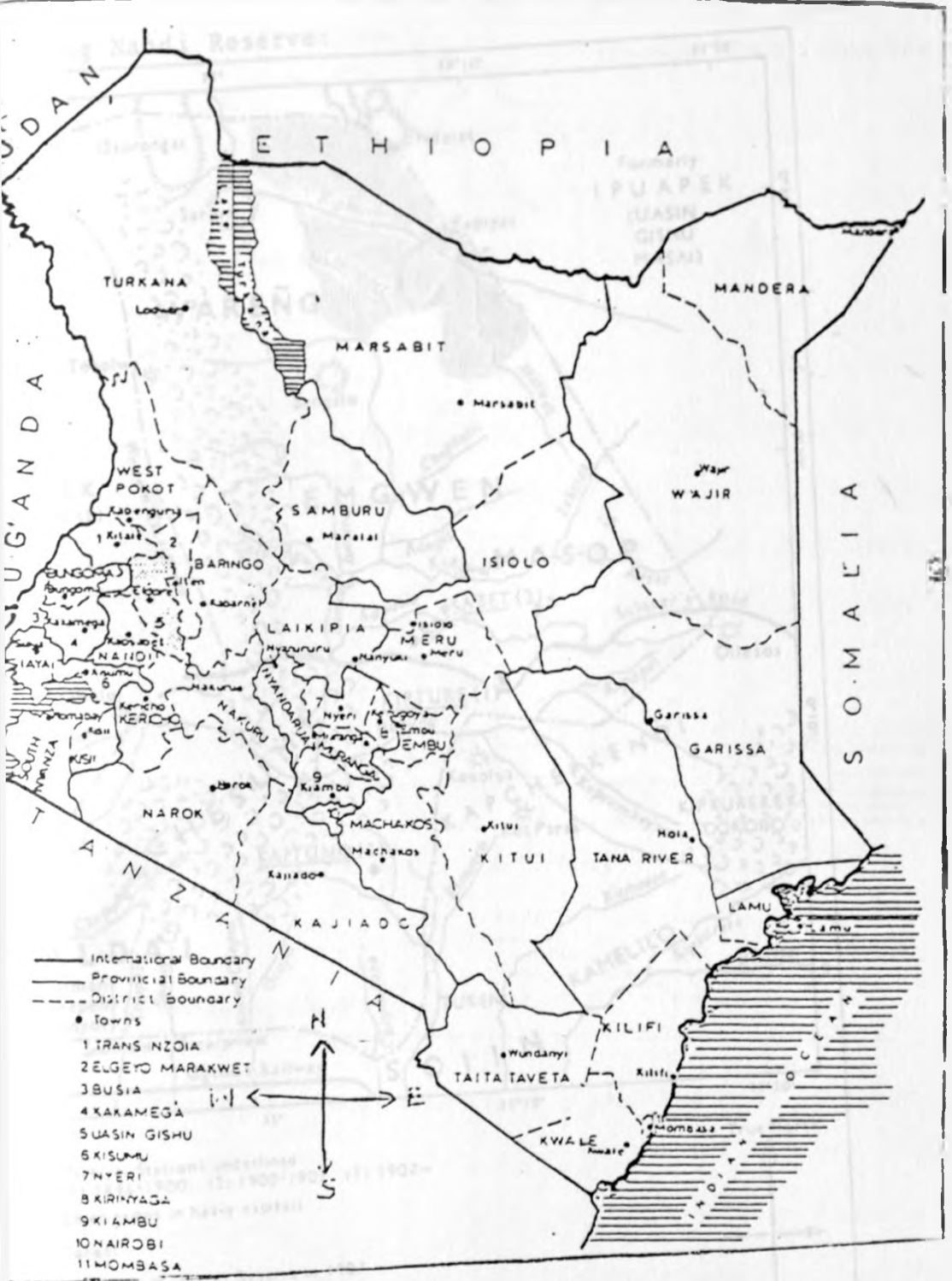
- DC: District Commissioner
- DO: District Officer
- EALB: East Africa Literature Bureau
- EAPH: East Africa Publishing House
- KLB: Kenya Literature Bureau
- HAK: Historical Association of Kenya
- KNA: Kenya National Archives
- PC: Provincial Commissioner
- RVP: Rift Valley Province
- NDI: Nandi District
- UG: Uasin Gishu District
- NDAR: Nandi District Annual Report
- LAB: Labour
- HMSO: His Majesty's Stationary Office
- OUP: Oxford University Press
- UP: University Press
- NZA: Nyanza
- CO: Colonial Office
- ACTS: African Centre for Technology Studies



Map showing the Provinces, Districts and Ethnic Groups in Kenya.

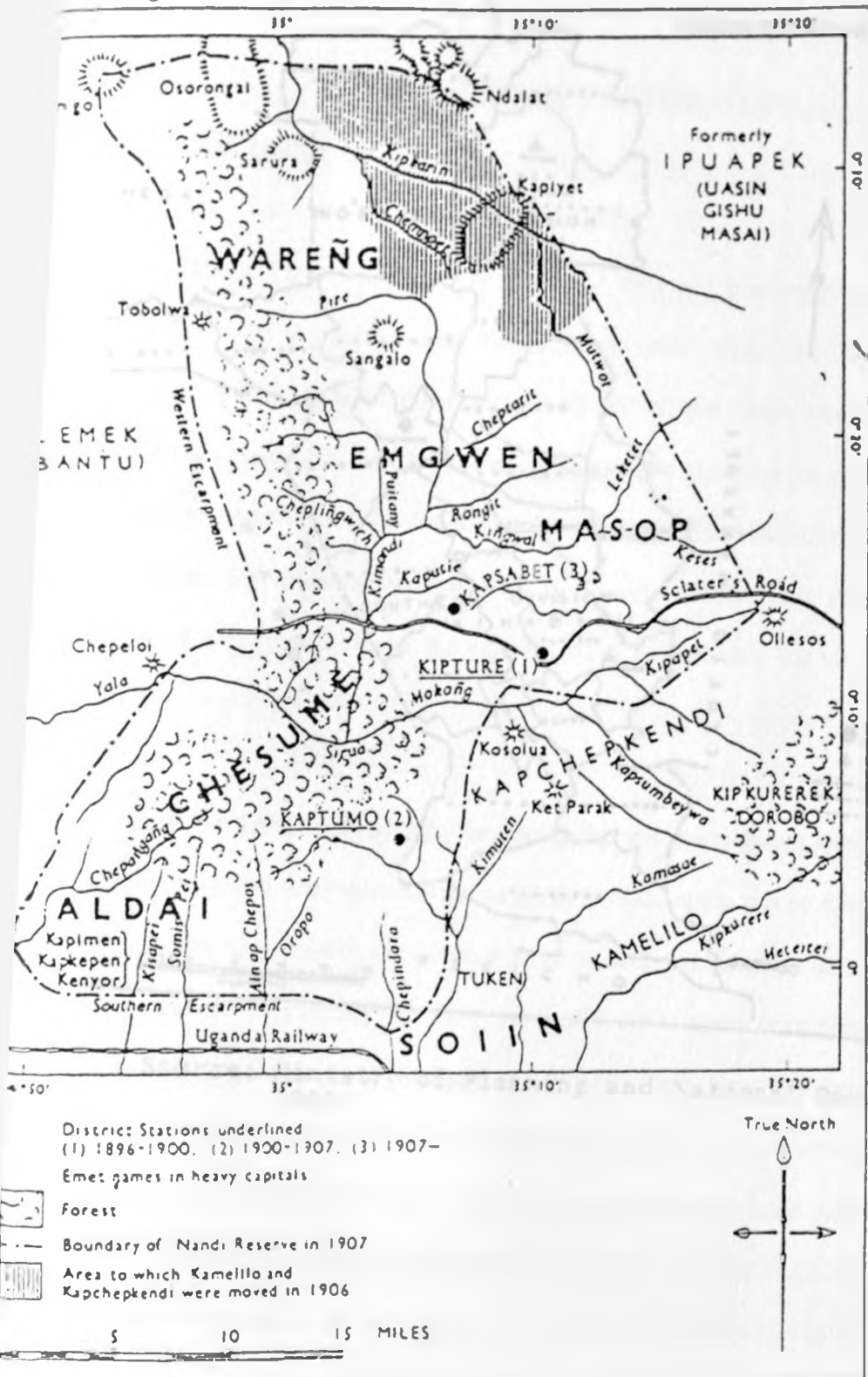
Source: Ministry of Lands and Settlement, 1961.

Location Of District



Source: Map showing the location of Uasin Gishu District in Kenya. Ministry of Planning and National Development, 1989.

Following Nandi Reserve:



Source: Hollis, A.C. The Nandi: Their Language and Folklore (London, Oxford University Press: 1969) p. 329.



Source: Ministry of Planning and National Development, 1989.

CHAPTER ONE

PRELIMINARIES OF THE STUDY

1:0 INTRODUCTION

The British Government declared the territory between Uganda and Mombasa its protectorate on 15th June 1895 as British East Africa Protectorate. Once the Foreign Office assumed responsibility, it decided to construct a railroad to link the Kenya coast with the interior for administrative purposes. She saw the Uganda railway as a means of enhancing the economic potential of the newly acquired territory. It could solve the problem of communication with the coast and the interior, which had hindered the expansion of Imperial British East Africa (IBEA) company operations and hence had prevented the exploitation of the highlands and the area surrounding lake Victoria.

To pay for the rail upkeep,once the railway line was completed, a programme was designed to attract white settlers to mount commercial agriculture.Once the idea of European settlement had gained ground, the government formulated a series of land ordinances aimed at giving a legal force to the alienation of African land¹.In their enthusiastic encouragement of European settlement,the government paid little attention to the rights of Africans to their land. The Crown Lands Ordinance of 1902 gave the Commissioner of the protectorate the power to grant lots of unspecified size of land leases to the new immigrants. "Crown lands" meant all public lands within the East Africa protectorate which were subject to the control of His majesty the King of United Kingdom by virtue of any treaty,convention or agreement under the Land Acquisition Act of 1894².

By asserting that the Crown and not the local people had original title to some land, protectorate authorities alienated vast lands from the African societies. In order to develop and safeguard this land it was essential that the administration should acquire effective control over this area. The initial stage was one of conquest and establishment of colonial rule. British conquest of African societies depended on superior military technology. In that period, confrontation between the colonial government and African societies was frequent. African societies were faced with the choice of either resisting the powerful newcomers, of attempting to evade them, or of actively befriending them. Among the initial collaborators were the Maasai and some Kamba. Those who fought the British at various times included the Nandi, Kikuyu, Gusii and some sections of the Kamba and Giriama³. For both the collaborators and resisters, the eventual result was the surrender of their territorial sovereignty to the British.

Of Uasin Gishu history, little is known, except that in the lore of the Nandi and Maasai, it was occupied by a pastoral people, the Sirikwa, described by both tribes as "the people who were here before us"⁴. The tribe was dislodged by the Maasai, who took over the land for grazing their cattle. The Maasai were eventually ousted towards the end of the 19th century by the Nandi, after a major battle which took place between them at Kipkarren-the Nandi name for "the place of the spears"⁵.

The Nandi used the plateau as their grazing land until the time of white settlement when the plateau was annexed by the government as part of the European White Highlands. The Nandi resisted the colonial government intrusion into their land. The Nandi resistance led the government to mount punitive expeditions against them because they had rendered European settlement of the Uasin Gishu

plateau insecure. There were punitive expeditions in 1895, 1900, 1902, 1903 and finally in 1905⁶. The final confrontation of 1905 led to the defeat of the Nandi which permitted the introduction of colonial rule. The government removed the Nandi from the Uasin Gishu plateau to the Nandi reserve and imposed strict controls over their movement. Vast acres of Nandi grazing land in Uasin Gishu were alienated for settler occupation.

The earliest application by Europeans for land in the Uasin Gishu plateau was made in 1903 by W.F. Van Breda, from South Africa, on behalf of himself and his two brothers⁷. But in 1905, the Uasin Gishu plateau was closed to prospective settlers inspection owing to trouble with the 22 Nandi. After the defeat of the Nandi inspection of land started again in the plateau.

Settlers from South Africa, also known as 'Boers', led the way in land prospecting. Mr. J.A.J. Van Reinsburg of South Africa came up to inspect the plateau in 1906⁸. He was favourably impressed and returned to South Africa to organize the trek to the plateau which was known as the "Reinsburg trek"⁹. Settlement in Uasin Gishu began in 1907 and 1908 when a major trek of Afrikaans-speaking arrived from South Africa. By 1910 the district had begun to fill up with white settlers. They were wealthy stock farmers with cattle and sheep. Since stock disease was rampant in these early years, the Boers relied more on wheat production to offset stock losses.

The development of the agricultural economy was dependent upon the availability of an adequate and regular supply of labour. After land, labour thus ranked second to settler needs and was the subject of heated exchanges between the settlers and the administration. Because of its rather unstable character, the only way in which settler agricultural economy could survive the problems

of infancy was through the utilisation of labour intensive methods. The settlers, therefore, needed large numbers of African agricultural workers who were vital if their agricultural economy was to thrive. Because this African labour did not avail itself readily, a combination of financial and political legislations were employed in order to create an adequate labour supply within the colony. The colonial government introduced hut and poll taxes, requiring Africans to earn cash. This culminated into a systematic impoverishment of Africans which left them no alternative except wage-labouring¹⁰.

The imposition of these financial measures in the form of taxes did not immediately precipitate a large-scale outflow of labour to the settled areas. The colonial authorities then realised that the availability of enough land in the African reserve was responsible for the low turn out of labour. It therefore rationalised that by reducing such land and by increasing the tax burdens, many Africans would be compelled to seek employment or become "resident" labourers on European farms.

Since one of the major complaints in Uasin Gishu was the desertion of wage labourers before their contracts expired¹¹, farmers increasingly looked up to the more stable squatter labour. This trend was especially facilitated by the switch by the settlers from mixed farming to agriculture in the plateau. The Nandi supplied most of the squatters on the Uasin Gishu which made the Nandi squatters the second largest community of squatters in the colony after the Kikuyu¹².

1:1 STATEMENT OF THE PROBLEM

Studies on squatterdom among the Nandi community in Uasin Gishu are lacking. In fact, the idea of a Nandi squatter seems to be odd. Yet, despite the removal of Nandi people to the Nandi

reserve, and strict controls instituted over their movements, many of them ended up being squatters on European farms. The reasons why the Nandi people ended up being squatters on settler farms in Uasin Gishu are not clear.

In addition, whether squatterdom suited Nandi way of life is not well documented. An examination of whether squatterdom made a Nandi squatter different from the Nandi in the reserve is not available. Also how Nandi squatters related to European settlers and the colonial government needs to be examined. Until this is done, a Nandi squatter will remain an oddity. This study will therefore, be a necessary contribution to knowledge of squatterdom among Nandi community during the colonial period.

1:2 OBJECTIVES OF THE STUDY

The following were the objectives of the study:

To evaluate the impact of land alienation on the Nandi.

To investigate and assess the process of squatter system and to elucidate if it had any relation to the shortage of grazing land following the alienation of Nandi land to European settlers.

To examine the relationship between the Nandi squatter community, the colonial administrators, and the settlers during the colonial period.

To highlight the process of decolonization and the land question in the former White Highlands in order to understand its impact on the former squatters in European farms.

1:3 LITERATURE REVIEW

The colonial government's commitment to the supply of labour for the settlers resulted in the enactment of several oppressive legislations including the Master and Servants Ordinance, the Kipande system, and the introduction of Hut and poll taxes. It is, therefore, not surprising that the issue of labour became a major theme in Kenya's colonial history and has received ample attention from scholars of the period.

Evidently, earlier works concerned themselves with the historical evolution of labour in colonial Kenya. A. Clayton, and D., Savage, in Government and labour in Kenya, (1974) offer a comprehensive account of the evolution of all aspects of labour from the earliest days of colonial rule up to the independence era. The two authors trace 'traditional' forms of labour in pre-colonial Kenya, including slave and communal labour. They analyze the earliest forms of alien labour system, beginning with the porters under the imperial British East Africa company (I.B.E.A) used for the construction of the Uganda Railway, Agricultural squatter, and casual labour.

Roger Van Zwanenberg, in Colonial Capitalism and Labour in Kenya. 1919-1939, concerns himself with the various economic and political pressures applied by the colonial government in an effort to squeeze labour for an otherwise under-capitalised settler economy. Van Zwanenberg went to great lengths to explain how the employment of taxation as financial measure to force Africans

to seek wage labour, proved abortive. He explains the protective attitude adopted by the British government towards the settler community by giving them extensive government subsidy.

R.D., Wolff, in Britain and Kenya: The Economies of Colonialism 1870-1930 (1974) examines the colonial period in the context of colonialism and brings out the injustices of the system as encased in the metropolitan plot to rob satellite states. He highlights both the predicament of the creation of a socio-economic policy that buttressed the settler community at the expense of the African and Asian community.

E.A, Brett, in Colonialism and Underdevelopment in East Africa (1973) concerned with an examination of the process of underdevelopment argues that the contact and impact of colonialism is essentially exploitative. He observed that settler dominance virtually excluded peasant development among the Africans. It required a net transfer of resources from the Africans to the European sector. It also required that the African sector be reduced to an underdeveloped labour reservoir for the European settler.

Colin Leys, in Underdevelopment in Kenya (1975) observed that the Europeans had a monopoly of high potential land in the white highlands. Europeans also had monopolies of most profitable crops and the most profitable markets. The Africans, on the other hand, were confined in their traditional areas but were not provided with the techniques, the crops, the capital or the services to farm them intensively for the market. This, he contends, led to underdevelopment of Africans out of which labour migrations to Europeans farms emerged.

Robert Tignor, in The Colonial Transformation of Kenya: The Kamba, Kikuyu and Maasai from 1900 to 1939 (1976) argues that there were marked disparities in the colonial experiences between these communities. He poses an important question which is relevant to the present research. This is, " why did the Kikuyu form the overwhelming squatter labour force?". This question is very relevant in that it attempts to give an insight as to why the Nandi made up the second largest group of squatters numerically in the colony.

R., Buell, in The Native Problem (1965) deals with the whole of colonial Africa and examines various colonial policies towards Africans. The theories of Trusteeship, the Dual policy and partnership have been analyzed with a view to portraying the changing relationship between the colonial masters and their subjects. Buell analyses various forms of forced labour in colonial Africa.

L. Winston Cone and J.F. Lipscomb, in The History of Kenya Agriculture (1972) narrate in detail the settler and government involvement in the plantation economy. M.P.K. Sorrenson, in Origins of European Settlement in Kenya (1968) discusses how European immigrants were encouraged by the colonial government to take up lands so as to promote the economic settlement of the protectorate and to make the Railway pay. The colonial office devised suitable legislation to regulate settlement. The encouragement of the white settlers to settle in the so called "white Highlands" led to establishment of African reserves. This discussion on alienation of African land for European settlers provides a good background in understanding the emergence of squatter community among the Nandi.

Gerrit Groen, in "The Afrikaners in Kenya, 1903-1969," (1974) discusses the establishment of Afrikanerdom in Kenya during the colonial period. He discusses how the Afrikaners took up land in Uasin Gishu plateau and undertook economic development on the plateau. His observation on the question of acquisition of labour by the settlers is an important pointer to understanding why the Nandi participated as squatters on the plateau.

Although this thesis is only a micro-study of one aspect of the colonial history of Kenya, namely the Nandi squatter labour community in the Uasin Gishu plateau; their migration, their relations with settlers and settler assault on their stock, it is representative of the colonial situation. Among the few scholars of colonial Kenya who have conducted similar research of the period is T.M.J., Kanogo in Squatters and the Roots of Mau Mau (1987). In her study, Kanogo addresses herself to the evolution, adaptation and subordination of the Kikuyu squatter labourers, who comprised the majority of resident labourers on settler plantations and estates in the Rift Valley province of the white Highlands. This study is relevant to this thesis because the study is a competent precedent which emphasizes the need for micro-studies in the study of Kenya's history. This emphasizes the relevance of the 'human' or personal aspects in the reconstruction of the history of labour. K.K., Janmohammed, in "A history of Mombasa, 1885-1939" (1977), examines the emergence of an urban working class in Mombasa tracing their social and economic predicament in a colonial environment. M., Tamarkin, in "Social and Political Change in a Twentieth Century African Community in Kenya" (1973), examines political development in an urban setting while Fern, H. in An African Economy (1961) and R.M., Maxon, in "British Rule in Gusii Land, 1907-1963", are concerned with the economic and social changes in rural areas of the western part of a Kenya during the colonial period. K.M., Arap Korir, in "The tea plantation economy in Kericho

district and relevant phenomenon, 1960" illustrates the disruptions both in terms of land alienation and labour demands brought by the introduction of the Tea plantation in Kericho.

H.W.O. Okoth-Ogendo, in Tenants of the Crown (1991) concerns himself with the role of agrarian law in the administration of Kenya's agriculture between 1895 and 1963. He attempts to define and explain how the process of European settlement in Kenya shaped the evolution of agrarian law and the manner in which that law was used to structure political and economic choices during the colonial period. He argues that the legal organisation of the colonial agricultural economy was designed to enable the European sector to develop by underdeveloping the African sector.

In reviewing the literature on labour in colonial Kenya, there are a few micro-studies that have dealt with specific areas and time periods giving the scholars ample insights into the intricacies of the labour-generating process within the colonial experiences. Like any other process in the colonial history of Kenya, the subject of labour was a complex phenomenon. The overall picture can be appreciated only after more intensive micro-studies have been analyzed. This thesis then, is an attempt to provide one such micro-study.

Most of the existing literature on aspects of Nandi society tend to be anthropological in nature. Even those that direct their attention to Nandi history are generally concerned with the recent nationalistic resistance which the Nandi put up against the British rule. Hence little is known about early Nandi History.

The Nandi speak a Kalenjin dialect. Therefore any inquiry in their history of origin and evolution is generally treated in the wider context of the Kalenjin speaking people. The term 'Kalenjin' is not only of recent coinage but is unpretentiously artificial and political in its origins. The term 'Kalenjin' means 'say to you'. Its use to describe the numerous groups can be traced to the second World War. Previous to that and for some time after, all Nandi, Kipsigis, Keiyo, Marakwet, Tugen and others had been designated 'Nandi speaking tribes'¹³.

The Kalenjin consist of eight principal groups with numerous sub-groups within them.

The groups are:-

- (1) Kipsigis (sometimes misnamed "lumbwa" in older literature).
- (2) Nandi (once called 'Chemngal')
- (3) Terik (alternatively 'Nyang'ori' who live in south-western Nandi district).
- (4) Keiyo
- (5) Tugen (alternatively called 'Kamasia')
- (6) Marakwet
- (7) Pokot(alternatively called Suk)
- (8) Sabaot (these are further divided into 'Kony', 'Bok' and 'Bongomek'. They live on the eastern slopes of mount Elgon. The Sebei who live in Uganda on the northern slopes of mount Elgon are included in this group).

A group which might be classified as Kalenjin is made up of the Okiek, or 'dorobo' who live among the various principal Kalenjin groups.¹⁴

The genesis of the Kalenjin peoples is obscure. A part from the fact that most members of the group lived at one time in the territory to the north of their present habitats, accounts of their formation, dispersal and migrations of the several tribes are largely founded on conjecture. Anthropologists speculated on the origins of the Kalenjin. The only people who have speculated on the origins of the Kalenjin are anthropologists like A.C. Hollis¹⁵, J.H. Peristiany¹⁶, H. Johnston¹⁷, and G.W.B. Huntingford¹⁸, who at any rate had no time for Kalenjin history, only referring to it either in their introduction or in passing in the texts.

Christopher Ehret in "Cushite, and the Highland and Plain Nilotes to A.D. 1800", using linguistic evidence argues that the Kalenjin are a Nilotic group whose original homeland was somewhere in the point where the River Bahr-el-Ghazal meets the Nile in the Southern Sudan¹⁹.

A.T. Matson in Nandi Resistance to British rule (1972) believes that the Kalenjin contingents concentrated in the country bounded on the west by Mount Elgon and on the east by the Suk and cherangani hills. According to him, it is debatable whether the first settlements were made on Mount Elgon or the eastern hills, but it seemed that there was considerable amount of wandering within the concentration area before some of the sections settled permanently, and others moved away to their present locations. Kalenjin traditions agree that at that time all sections were members of one tribe²⁰. The migration sequence among the various sections is not clear, but there is some evidence that the Tatoga and the Suk (Pokot) moved away before the others and were the first to become tribal entities, occupying separate territories and speaking distinctive dialects²¹.

While the Kalenjin were living in the concentration area, they met the forest-dwelling Dorobo (Okiek) and possibly the Nilo-Hamitic precursors who grazed the plains to the south²². Groups of Bantu were still living on the western foothills of Mount Elgon when the Kalenjin arrived, but others had already left the mountain and no conflicts with previous inhabitants are recorded in Kalenjin legends²³.

A different interpretation is offered by H. Mwanzi in A History of the Kipsigis (1977) who has dismissed the clan narrations of origin, migration and settlement of the Kalenjin people. According to Mwanzi, all attempts by scholars to trace Kalenjin origin from a northern direction are equally unimportant and rejects such a possibility. His thesis is that the Kalenjin speaking people and particularly the Kipsigis as such "have not come from anywhere"²⁴. He writes that "rather than talk of the the spread of Kalenjin, we should talk of the coming together of the ethnic communities that make up the present Kalenjin. Concentration on migration tends to over emphasize physical movement and consequently overlooks social and cultural developments which normally require some degree of settled life"²⁵

Ochieng', W.R, suggests that "at the base of Kalenjin history is the interaction of the 'Erythraic languages', a continuing interaction between the aboriginal hunters and Nilotic speaking languages"²⁶. According to him, these communities were once very important in the history of East Africa. He agrees that the communities who are descended from the aboriginal hunters and gatherers are today different from them. This differentiation, according to him is shown by the ancestors of the Kenya Kadam, the ancestors of the Kitoki and Kalenjin and the ancestors of Tatoga. The

differentiation was probably due to their geographical expansion and their absorption of the southern Cushitic and aboriginal population which they came across in the highlands²⁷.

J.E.G. Sutton in "The Kalenjin: Country and People", using archaeological evidence has provided a survey of the Kalenjin of up to three thousand years ago. He hypothesizes that; "it was probably in their present territory of the western highlands of Kenya, especially the more northerly parts of this region, that the Kalenjin evolved as a cultural and linguistic group. Very probably too, it was in this same region that the 'Highland' (or 'southern') divisions of Nilotic speech from which Taita as well as Kalenjin descents first developed, after splitting from what were to become the two Nilotic divisions- 'River-Lake'(or Western) and 'Plains'(or Eastern)- somewhere around the borders of the Southern Sudan and the Ethiopian Massif two thousand years ago or more.....²⁸.

From the above different views held by scholars concerning Kalenjin history, it becomes difficult for one to unravel their past. Thus their past has to be studied in order to understand fully their origins. Also studies on the movement of the Nandi into Uasin Gishu has not been covered, hence the reason for this study.

1:4 THEORETICAL FRAMEWORK

This study was carried out under the framework of underdevelopment theory. The purpose of this study was to look at a peripheral African society at a period when formal imposition of colonial rule, and the official manipulation towards the creation of favourable conditions for capitalist development in Kenya, made them to be impoverished labour exporting peasantries.

During the period under consideration, the development of social and economic facilities for the ruling minority was intimately associated with the underdevelopment of facilities for the majority in the country. Moreover, in many instances, underdevelopment was not merely a matter of increasing economic distortion, dependency and subordination for the African masses; it was also a matter of impoverishment of Africans when compared to previous standards of living. This group of impoverished people had no other alternative of action left open for them but to emigrate to other regions. Thus the major response to pauperization, by the colonial government and minority white settlers, was the emergence of squatters among the Nandi society as labourers in European farms.

E.A. Brett, in Colonialism and Underdevelopment in East Africa (1973), concerned with an examination of the process of underdevelopment observed that African production was discouraged in favour of white settlers. T.M.J., Kanogo, in Squatters and the Roots of Mau Mau (1987) utilizes the underdevelopment theory in studying Kikuyu squatters. She portrays the white settlers, who were supported by the colonial government as representing the capitalists. Thus her study of squatter articulation within the settler economy hinged on the underdevelopment theory which unmarks the flagrant plunder of the peripheral country through the extraction and exportation of surplus by the metropolitan country.

Colin Leys, in Underdevelopment in Kenya (1975) argues that the starting point of underdevelopment theory was when the 'third world' began to be progressively incorporated into a permanent relationship with the expanding capitalist economy. He says the effect was the extraction of the surplus of the 'periphery' countries and the emergence of new relations of production based on their progressive exposure to and dominated by capitalism.

This thesis stresses the underdevelopment theory. Through it, a critical examination of the Nandi resident labourers, their migration and adaptation in the Uasin Gishu district is done.

1:5 HYPOTHESES

The operating assumptions tested in this study were:

That the colonial government worked towards a socio- economic structure intended to buttress the settler community by appropriating land and labour from the African sector of the country's population.

That colonialism led to both social and economic discrimination against the Nandi community out of which the Nandi squatter community emerged.

That the squatters, even within the colonial context, were driven by certain aspirations the attainment of which entailed independent squatter activities within the Uasin Gishu plateau.

That Nandi squatters in the Uasin Gishu plateau helped to promote the prosperity of colonial settler economy while they were impoverished and subordinated.

That the Nandi squatter community was in many ways as active a participant in the moulding of Kenya's colonial history of the period as were colonial administrators and settlers.

1:6 METHODOLOGY

Four months were spent in the Kenya National Archives where background reading was done. Here provincial, District and Department of Native Affairs reports were examined. Other primary information was obtained from labour reports, political record books and various other official papers. Hence, annual, quarterly and monthly reports of both Nandi district and Uasin Gishu were examined. Intelligence reports and diaries left by European settlers and administrators were consulted. The archival material was analyzed in the context of published work relevant to the subject of this thesis. Thus wide historiography of colonial Kenya was examined.

A total of about three months were spent in Uasin Gishu District carrying out field work. Preliminary tour of locating the first Nandi squatters in Uasin Gishu district was done. Initially oral interviews based on interview-schedule questionnaire with open-ended questions was undertaken. But this structured approach was later abandoned. This was because I kept on changing the questions as I moved from one informant to the other. Hence I had to base oral interviews on open questions guided by the themes to be covered in the study to which answers were written down. This, however, does not preclude the fact that one posed certain basic and specific questions arising from the writers perusal of the primary and secondary sources, for which answers were sought from former Nandi squatters.

Individual squatters were interviewed as opposed to group interviews. The criterion used in identifying the respondents was based on age where preference was given to the surviving Nandi squatters who moved to Uasin Gishu District from Nandi in the period between 1930-1945. District

Officers, Ex-chiefs, present Chiefs and Assistant Chiefs in Uasin Gishu were helpful in identifying these people. Also the teachers in Uasin Gishu easily showed where these former squatters lived. Informants were left to recount their experience and activities as squatters in Uasin Gishu district. Most of the informants were at ease with that method of recording after the researchers had explained to them the purpose of the interviews. Informants' data was cross-checked by interviewing different informants on the same subject so as to avoid bias.

A problem which I faced in carrying out the study was the fact that there was absence of quantitative data relating to squatter production and distribution. To this end then, the issue of squatter produce has been examined within the context of the Nandi squatter community and its value system. Also another problem was the fact that informants were responding to questions with the help of hindsight thereby possibly distorting the reality. To a large extent, this was countered by interviewing different informants and cross-checking with secondary or primary sources (where available). The interpretation of data thus acquired required analytical synthesis within the framework of the available data. Thus this thesis hopes to show the emergence and adaptation of Nandi squatter labourers in relation to the colonial situation.

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CHAPTER TWO

NANDI PRE-COLONIAL HISTORY

2:0 INTRODUCTION

The Nandi today principally inhabit Nandi District and parts of Uasin Gishu and Trans Nzoia districts to the north. Nandi district lies on a plateau which extends from the Mau Mountain range on the east and south-east, to the Nyanza plains on the west and from Sosiani river in the north to the Kano plains in the south. The southern and western limits of the Nandi plateau are well defined by granite escarpments rising steeply from the plains. Its average elevation is 6,000 feet and easy access is available only from the extreme south-west, in which region hills are dotted throughout. The northern region is open grassland with occasional patches of forest in the west and central areas. The vegetation of the southern region varies from dense forest, thorn-tree tickets, secondary bush and grass parklands to the sparsely covered hillsides on the edge of the southern escarpments¹.

2:1 ORIGINS OF THE NANDI PEOPLE

The Nandi have not always occupied their present homeland. At some time in the past, they migrated to this area. Oral traditions agree that migrations were caused either by natural calamities resulting in famine, or the desire to seek better grazing and more congenial habitat, and not by pressure from other peoples pushing down from the north. Although the Nandi are derived from a mixture of peoples coming from many directions, the strongest traditions mention the population element which moved southwards from Mount Elgon to settle in Aldai, at the edge of and on the hills

of the south western escarpment². Whether or not this was a short-time stopping point of a longer migration or the dispersion centre of the Kalenjin speaking peoples is not in agreement. Evidence from oral traditions trace the origin of Nandi ancestors no further than Mount Elgon. Nonetheless, the Nandi as a separate group having a unique identity and name, did not exist on Mount Elgon. Oral tradition states that a small group of people left Mount Elgon and slowly moved south-southwest, travelling until they reached lake Victoria. No date can be given with certainty when this people left Mount Elgon.

They passed through North Nyanza forest to the Maseno Hills, and then proceeded to the northern margin of the Kavirondo Gulf, where they settled around the Kamoin salt lick, near the Kisumu aerodrome³. During the course of this migration, the wangoma (Bongomek) remained on the Kavujai Hills, and other sections stayed at other resting places on the route. Some of the latter subsequently continued their travels, while others were annihilated or absorbed by the Luyia⁴. The main body left the gulf lithoral and ascended the Kakamega escarpment, where the section that eventually became the Nyang'ori (Terik) pushed on further north, accompanied by the founders of the Bororiosiek of Kapsile and Kabianga. The section that later became the Nandi returned to the plains in the area around Njoiywa and then climbed the escarpment to settle at Chebilat. These settlements were established by a Kony from Mount Elgon named Kakipoch, after whom the oldest Bororiet is eponymously named⁵. No date can be given with any certainty for the first settlements on the Nandi plateau. Huntingford G.W.B., in The Nandi of Kenya: Tribal Control in a Pastoral Society (1953) has suggested tentatively that Kakipoch arrived at Chebilat about the beginning of the 17th century.

The actual area initially settled was small. It was located in the extreme southwest of the present district. Essentially it was limited to the escarpment edge and a few hills of the upland surface behind the Nandi escarpment. Bounded by this escarpment and the points of Kapkeben, Bonjoge, Njoiywa and Kisengei, the area is roughly triangular in shape⁶. The area was extremely rocky, hilly and broken, but well-watered by streams and a high and reliable rainfall with limited flat surfaces⁷. It was more suitable for the grazing of goats and sheep than cattle. Millet and perhaps sorghum were cultivated with wooded digging sticks and hoes, wild fruits and wild vegetables were gathered, and wild game was hunted with traps and bows and arrows⁸.

2.2 FORMATION AND EXPANSION OF THE NANDI TRIBE

After the first settlements were firmly established by Kakipoch of the Kipoiis clan, fresh immigrants from Kony, Kipsigis, Kamasia and Elgeiyo arrived to join Kakipoch⁹. Those who came from Kipsigis may have included the ancestors of the present day Kipariso, Chemuri, Kipaa and Tungo clans who claimed to have originated from Kipsigis. Other groups, notably from the Uasin Gishu Maasai joined them. These were the ancestors of the Toyoi and Talai clans. Clans increased in number as new immigrants joined them. Immigrants from various Luyhia groups, notably from Maragoli, Bunyore, and Kabras also joined them and they were absorbed into the Moi clan¹⁰. Also Gusii immigrants arrived and were integrated into the Kipiegen clan. They trace their origin to the Sweta clan among the Gusii¹¹.

There were no specific areas set aside for the exclusive use of each clan¹². Members of any clan could live wherever they pleased without limits. Therefore, in terms of spatial distribution, the

clans assumed no significance. As the number of clans increased, new land was incorporated, particularly to the north and east of the original settlement area, as the southern plains had proved uncongenial and unhealthy to the people and their stock. The occupation of a fresh territory was carried out on a "Bororiet" (a territorial, military and political union of the various groups of 'Kokwotiwek'-these were homesteads) basis, either by the formation of a new Bororiet or the migration of offshoot sections of the original Bororiet.

As more 'Bororiosiek' (plural of Bororiet) were formed and more territory was occupied, the people began to evolve a distinct cultural pattern that were different from the neighbouring communities. Among the new cultural traits was the habit of deliberating for a long time in a 'Kokwet' Council by members of a Koret before taking a decision that would be acceptable to most of the people in the 'Koret'. Because of this deliberative trait, their neighbours particularly the Pokot, Keiyo, Tugen, Marakwet, and Saboat began to call them 'Chemngal' which means "many words"¹³. These people did not accept to be called that label 'Chemngal' and there is no given day that they have ever referred themselves as 'Chemngal'. They referred themselves to their various Bororiosiek names and no name was coined by these people to cover all the Bororiosiek.¹⁴

By the 1840's these 'Bororiosiek' had expanded northwards along the forest edges into Chesumei and eastwards into the hilly, but less stony area of Belgut, as far as the present Nandi hills. For the most part they remained south of the Mokong River¹⁵. The expansion process was accelerated by the need to seek fresh pastures for stock captured from Luo and from the distant cattle-owning peoples who later came within the orbit of the various 'Bororisoek' raiding parties¹⁶.

By the middle of the 19th Century the escarpment edge had been occupied as far east as Tinderet and the upper Nyando, where these people and the Kipsigis joined hands and thus prevented the Arabs from opening up the direct route from the Rift Valley to Lake Victoria¹⁷.

It was at this time that the Arabs and Swahili coastal traders coined the term 'Nandi' to refer to the people. This might have been because of the resemblance between these peoples' rapaciousness to the Arabs and the habits of the voracious 'Cormorant', which is termed 'Mnandi' in Kiswahili¹⁸. While the name might have been earned by the Bororiosiek warriors in one important engagement against the Arabs at Kipsoboi it is probable that the Arabs coined it because of several attacks launched over a long period by the warriors against them. Arab caravans on their journeys from Ukambani to lake Victoria are known to have been raided by other peoples, none of which received a similar sobriquet, probably because their attacks on the Arabs were not severe or successful in interfering with Arab caravans¹⁹.

Oral traditions associate the advent of the Arabs and Swahili traders with the period when the sawe age-set were warriors, that is to say about the 1850's. This association has been preserved in the name given to one of the Sawe sub-sets, in order to commemorate a major event in tribal history; the defeat of the Arabs at Kipsoboi and their expulsion from the country²⁰. The Sub-set name, 'Mararma', is possibly derived from the bravery the subset showed in confronting the traders who had guns which were superior than Nandi weapons. As the name Nandi became popular among the Arabs and Swahili traders, neighbours, notably the Luyia, Luo, and the Gusii begun to call them Nandi. The Kipsigis, the Keiyo, Marakwet, Pokot and the Tugen continued to call the people 'Chemng'al'.

Some settlements had also taken place north of the Chesumei forest and a few groups had penetrated beyond the Kimondi into the forests on the western escarpment²¹. The area under occupation and the numerical strength of the Bororiosiek were thus being increased. In addition the warriors' martial spirit and military prowess were being stimulated by successful raiding ventures among the Luo in the south and the Luyia in the west²².

Further expansion was inhibited by the presence of the Maasai²³. The Losegelai Maasai were expanding from their home area between Nakuru and the Mau. They were probably raiding into the Nyando Valley below the Nandi escarpment. The Uasin Gishu Maasai were occupying the plains of the same name and pressing well into the present-day Nandi District on the north and east²⁴. The Maasai thus dominated what was to become the best Nandi pastures and salt licks, and kept the various Bororiosiek in fear for their herds.

When the 'Boriosiek' began to edge out of Chesumei forest and to use the Southern fringe of the Uasin Gishu plateau grazing lands, conflict with the Maasai occurred²⁵. This was at a time when the Maasai were losing much of their former power, as a result of a series of internecine quarrels which created unsettled conditions throughout Maasai lands for much of the 19th century²⁶. The Uasin Gishu Maasai were routed out in the 1870s by the Naivasha and Laikipia Maasai. And when the demoralised remnants tried to reassert their claim to the Uasin Gishu Plateau in the 1880s, they were defeated by the warriors of the various "Boriosiek" in the Kipkaren Valley²⁷. About the same time the Segelai Maasai, who had infiltrated into the Nyando Valley were annihilated by the Bororiosiek and Lumbwa. Shortly afterwards the Laikipiak Maasai were defeated by the Naivasha

Maasai, so that the latter was the only section strong enough to contest the grazing rights on the Uasin Gishu Plateau with the rising Bororiosiek Power²⁸.

Several inconclusive skirmishes took place between the contestants, until the Bororiosiek eventually routed the Naivasha Maasai at Siwa and chased them back to the Rift Valley²⁹. The dispersal of the Uasin Gishu Maasai and defeat of the Naivasha Maasai gave the various Bororiosiek unchallenged access to the pastures and salt licks throughout the extensive Uasin Gishu Plateau region stretching from the foothills of mount Elgon to the Nandi escarpment. With the Maasai properly disposed of, they took control of the superior grazing of the Uasin Gishu and Kano plains. The Maasai withdrawal also removed the only effective military power between the Bororiosiek and their neighbours. New raiding areas were opened up, or made more easily accessible. Cattle and captives from the defeated Maasai swelled their animal and human population³⁰

It was in the late 1880's, starting about 1888, that disaster struck the Bororiosiek. Raided cattle carried to Nandi country the rinderpest cattle disease which was spreading over most of Kenya during this period³¹. The people called the disease 'cheringisiet' which was taken from the word lizard, because as lizards are found in everyone's house, so too was the rinderpest. As a result Orkoiyot Kimnyolei Arap Turkat was blamed for failing to warn the warriors who raided and brought back the rinderpest. It was noted that everyone's cattle died except his. He was accused of sanctioning a combined Bororiosiek raid which ended in disaster when large numbers of Bororiosiek warriors were killed³². Kimnyolei Arap Turkat was subsequently stoned and clubbed to death by representatives of some of the Bororiosiek in 1890. This opened the way for internal political dissention which took the form of succession dispute between the sons of Kimnyolei Arap Turkat,

Kipchomber Arap Koilegei and Koitalel Arap Samoei. Factions formed around the two aspirants and minor skirmishes took place between their supporters but these did not extend into a civil war³³.

While between 1890 to 1895 the sons of Kimnyolei were fighting each other, an increasing European caravan traffic to Uganda was passing along the southern and northern borders of the 'Bororiosiek'. The fact that they were not interfered with was due to 'Bororiosiek' preoccupation with internal problems, the lack of booty in livestock due to the depletion caused by the rinderpest and withdrawal of the rest of the livestock from the outlying pastures to protect them from disease³⁴.

Two events tended to unite the people. First was that Kipchomber Arap Koilegei fled, after being defeated, with his supporters to Kipsigis in 1895 where he became the first Orkoiyot of the Kipsigis. Second was Koitalel Arap Samoei's ability to sanction successful raids against the neighbours of these Bororiosiek. These events enabled Koitalel Arap Samoei to assume the role of Orkoiyot³⁵.

The period between 1895 to 1906 was a time for recouping losses in livestock and consolidating military strength. Small-scale raids continued against the Luo, Luyhia and Terik³⁶. This period is also known for large-scale raids on Mount Elgon and North Nyanza, where herds had apparently escaped the ravages of rinderpest. Such activities came to the attention of British travellers on the Uganda road³⁷.

Since the British learned of the presence of these people through the Coastal Arabs and Swahili people, they called them by the Swahili term of Nandi³⁸. When, in 1896 the northern

Uganda route was replaced by Sclater's Road it was subjected to sporadic raids and attacks from these "Nandi" against whom the British mounted expeditions. During the expeditions against these people the British dealt with the people as members of Nandi tribe. In 1899, the telegraph line reached Ravine, from which the Nandi warriors stole wire for ornaments. Between 1899 and 1901, the railroad was constructed across Kano plains, adjacent to the Nandi salt licks and pastures. Metal bolts and iron track were stolen for high quality metal, to be fashioned by Nandi blacksmiths into weapons. The Kapchepkendi and the Kamelilo Bororiosiek provided the largest per cent of the manpower for all of the above ventures; the British sent a total of five expeditions against the Nandi during this period³⁹. The expeditions were in the form of cattle raids, with Africans from other tribes employed to hunt out and herd the stock. According to official figures, between 1895 and 1906, the expeditions confiscated a total of 21,064 cattle and 79,279 sheep and goats⁴⁰. The British blamed the Nandi Orkoiyot, Koitalel Arap Samoei, whom they said was a tyrant and dictator. He was murdered on October 19, 1905 by the British⁴¹.

In December 1905, the government dictated to the Nandi their conditions for peace at Kipture⁴². When by January 1906 those conditions had not been met, the final expedition was launched with the stated policy of starving the Nandi out to move them into a reserve. This was aimed primarily at the Kapchepkendi and the Kamelilo. Crops, huts and granaries were burned and livestock confiscated. They were thus physically and forcibly moved into a limited and demarcated reserve, away from the railroad, the telegraph and from the land suitable for European farming; the Kano plains, the Uasin Gishu plains and Tindiret⁴³.

During and after the colonial rule the various members who had in the past called themselves names of their various Bororiosiek adopted the alien term 'Nandi' in referring to themselves. Also the colonial administration used the term to refer to people making up the Nandi reserve. The term became commonly used in terms of getting Kipande and also in contracting as labourers outside the reserve⁴⁴.

2:3 SOCIO-POLITICAL ORGANIZATION OF THE NANDI

From the outset of their first settlement at Aldai, the Nandi evolved social and political institutions which were fully integrated to their public life. The political institutional structures which the Nandi formed were basically two. These were the 'Kokwet' (plural-Kokwotinwek) meaning a group of homesteads, and the 'Bororiet', or a group of 'kokwotinwek'. The other institution, that of the office of the 'Orkoiyot' or a ritual expert, was more connected to religion but gained political importance in the latter part of the 19th century⁴⁵.

The basic political unit was the 'Koret', (plural-Korotinwek), the smallest neighbourhood unit, and the political institution which deliberated on day to day affairs of the koret was the 'kokwet' council. This was a council of elders of the koret. The kokwet council handled a wide range of matters affecting the people of their 'koret'. The chief functions of the 'kokwet', at which all adult males of the 'koret' were expected to attend, was to organize collective activities, safeguarded the natural resources of the 'koret', settle disputes among 'koret' members, investigated anti-social acts among its members and regulated certain agricultural and pastoral activities of its members⁴⁶.

The 'kokwet' council was headed by an elder called the 'Boiyotab kokwet', or the elder of the council. His role was that of a chief spokesman, and ipso facto the chairman of the 'kokwet' council. The post was not an elective one but the elder of the council had to have general consent and support from the council members⁴⁷.

The other political unit was that of 'Bororiet' Council which was constituted by the various 'kokwotiwek' councils. Nandi people were divided into sixteen 'Bororiosiek'. These were Cheptol, Kakimno, Kakipoch, Kaptalam, Kamelilo, Kabianga, Kapchekendi, Kapsile, Kapsiondoi, Kaptumois, Kimngoror, Koileke, Murkap tuk, Parsieny, Tepingot and Tuken⁴⁸.

The 'Bororiet' Council was a territorial, military and political unit. It was a territorial unit in the sense that it had well defined geographical boundary marked by rivers or hills or forest. The 'Bororiet' Council was a military unit since, within that geographical boundary all 'murenik' or warriors formed a fighting battalion for the 'Bororiet'⁴⁹. Offensive and defensive warfare of the 'Bororiet' were organized in this 'Bororiet' Council. The decision for offensive war was made by the warriors in their 'Sikiroinok' or secret lodges. This decision was placed before the 'Bororiet' Council by the warrior leader 'Kiptaiyat'. When the proposal had been formally accepted by the council, it was the duty of the 'maotiot' or intermediary to inform the Orkoiyot and get his sanction. The 'maotiot' was chosen by the Bororiet council. It was the duty of the 'Orkoiyot' to give his approval of the proposed operation and thereby give a helping hand, through his magic, to ensure its success⁵⁰.

Having decided to authorize a raid, the 'Orkoiyot' gave the 'Kiptaiyat' a club smeared with war protective medicine called 'Ndasimiet'. The fighting unit was the 'sirtyet' (plural sirtaiik) which contained a varying number of men drawn from several 'korotinwek', and was equivalent of a Battalion in a modern army. It was led by a sectional commander, the 'kiptaiyatab murenik' or the leader of the warriors⁵¹. The Nandi warriors raided the Luo, the Luhya and the Uasin Gishu Maasai. Other kalenjin groups like the Keiyo, Pokot, the Marakwet, the Saboat and Sebei were also raided by these warriors. They did not raid the Kipsigis because as they say, "they and the Nandi are one people"⁵². The fighting men were drawn from the age-set in power at any time. Warriors were required to maintain their physical fitness by adherence to strict diet, including abstinence from drinking beer and smoking tobacco. And they were to develop their martial qualities by military exercise, hunting, cattle herding in the Kaptich grazing grounds and the manning of outposts.

The 'Bororiet' Council was also a political unit. Its deliberations were issues which affected all the members of the 'korotinwek' within it. These were matters of war, circumcision ceremonies, planting and harvesting of crops. Its meetings were not so frequent as those of 'Kokwet' Council. The head of this council was the 'kiruogindet' or chief. All adult males of the Bororiet unit attended its meetings⁵³.

When the Nandi were defeated by the British and British rule established, the "Bororiet" council was changed into locations and Nandi was divided into twenty five locations cutting across the old 'Bororiosiek' each under a headman (chief) who assumed the title of kiruogintet. The twenty sixth location was created in 1926 when Talai clan were placed in the same administrative location called kapsisiywa. Locations were reduced to nine in 1933⁵⁴.

In social organisation, the Nandi people were connected through tribal social institutions and practices. In addition to family and neighbourhood ties, these connections were created by membership of a clan, initiation into an age-set, and kinship. In Nandi there were seventeen clans as mentioned earlier. The clans were exogamous, totemic and patrilineal. Clansmen did not, however, claim descent from any particular human founder, but they claimed to be brothers of their clan animal or totem⁵⁵. And through the totem, there existed a mystical brotherhood between all members of the clan. Marriage between a man and a woman of the same clan was considered incestuous and therefore prohibited. When however, a clan had more than one totem, a man could marry a clanswoman provided she had a different totem. Nandi clans were dispersed all over Nandi 'Bororiosiek'⁵⁶. Members of different clans lived in one Bororiet. This explains why the clan system in Nandi country did not exercise any political functions and had no powerful leadership structure.

The other element by which marriage was regulated was the 'Tiliet' or kinship system. 'Tiliet' as a term denoted all those who were bound to a man by descent and marriage, and who called each other by relationship terms. Members of a 'tiliet' were not supposed to marry⁵⁷.

The other social institution among the Nandi was that of the age-set system. Every male in the tribe belonged, from birth, to an age-set, 'Ipinda', of which there were seven. These were, Kapelach, Kipnyike, Nyongi, Maina, Juma, Sawe and Kipkoimet⁵⁸. These sets are closely connected with circumcision. In their operations were both military, political and had considerable effect on behaviour and relationship between people in the society.

Of the seven age-sets, and at any given time, one of these was that of the warrior, two were those of the boys and four were sets of the elders⁵⁹. The warrior set was referred to as 'the set in power' and was responsible for all military operations of the 'Bororiet'. It was in power for a period of about fifteen years, at the end of which it retires, and the next set below it, which during this period had been circumcised, took its place as the set of warriors in power, the retiring warriors becoming elders⁶⁰. And at the same time, the oldest set of the elders, who by that period were all dead, passed out of existence as an old man's set, and its name was transferred to the set of the small boys, the most junior set. The sets thus worked in a recurring cycle, and the names appear again and again.

The elders set was charged with the responsibility of political functions in the 'Kokwet' and 'Bororiet' Councils. The members of a set are those who are circumcised during the same period ('tumto' or circumcision). All age-set mates regarded themselves as equals and addressed each other as 'Ipindanyo', 'our age-set'⁶¹.

The age-set system regulated many personal and social activities and ensured that a standing army was always in readiness to defend their country or to undertake raiding expeditions. The stratification into age-sets thus affected the normal behaviour rules since each set was subordinate to the set senior to it.

2:4 THE INSTITUTION OF ORKOIYOT

As an institution, the 'Orkoiyot' or the participation in certain public affairs by a man whose influence was based on his magical powers, had an old tradition in Nandi history beginning from the

time of settlement. The members of Kamwaike and Chemuri clans were especially expert in this field. They played the role of diviners, foretellers of the future and averted ill-luck to people. The various Bororiosiek had their own members of these clans who were their Orkoiik (plural of Orkoiyot)⁶².

The Maasai origin of the 'Orkoiyot' is however a popular theme in Nandi tradition. Magut, P.K. in "The Rise and Fall of the Institution of Nandi Orkoiyot" (1969) traces the origin of the 'Orkoiyot' to Uasin Gishu Maasai, and gives as his evidence the oral traditions among the Nandi as well as comparison of names relating to orkoiik (plural of orkoiyot) and to ol-oiboni among the Maasai⁶³. But Mwanzi, H.A., traces the origin of the 'Orkoiyot' to the Bantu speaking people, probably the Gusii giving his evidence as the similar institutions practised among the Gusii⁶⁴.

The first Nandi 'Orkoiyot' was Barsabotwo. Huntingford, G.W.B., suggests the time of his arrival to be around 1860 basing his evidence on the fact that this was the time when there were upheavals among the Uasin Gishu Maasai⁶⁵. Magut on the other hand, while agreeing with Huntingford that orkoiik came as refugees, suggest the period between 1815 and 1835 as the date of their arrival.

The Nandi 'Orkoiik' practised much the same functions as their Nandi predecessors; divination, omen interpretation, prophecy and the provision of war medicines and charms. They lived in seclusion and gradually acquired a number of mystical attributes, which increased their influence over the Nandi people⁶⁶. Their successors slowly extended and consolidated their influence, as the successful outcome of their ministrations enabled them to increase their demands on the credulity of

the people. The 'orkoiik' thus gained a position of considerable authority in a short span of about fifty years, and exercised powers over a wide field of 'Bororiet' and tribal activity.

The 'Orkoiik' were credited with powers which enabled them to control the weather and to secure the general health and prosperity of the people, as well as the fruitfulness of crops and cattle. Most of these rituals performed by the 'orkoiyot' were concerned with social and economic matters, but had a bearing on the political organization of the tribe. The 'orkoiyot' wielded considerable political power in the right to grant or withhold approval of raiding operations⁶⁷. Visible evidence of the 'orkoiyot' protection of warriors was provided by the protective medicine called 'Ndasimiet' provided by the 'Orkoiyot'. This medicine was carried by warrior leaders during raiding expeditions. This intervention in the military field created strong ties between the warriors and the orkoiyot. There is evidence to suggest, however, that by 1890, the Nandi 'orkoiik' were beginning to pretend to a greater degree of political authority than their predecessors had dared to envisage. These pretensions were encouraged by the Bororiosiek which had benefited much from the orkoiyot's ministrations⁶⁸.

The 'maotik' in the various 'Bororiosiek' maintained communications between the 'Bororiet' council and the 'orkoiyot'. These officials accompanied the warrior leaders, 'kiptainik' (plural for kiptaiyat) when the Orkoiyot's permission for a projected raid was being sought⁶⁹. They also acted as secret agents for the Orkoiyot, so that the 'Orkoiyot' could be kept informed of events and public opinion in their 'Bororiosiek'.

By 1890, the Nandi 'Orkoiik' had undoubtedly increased their powers and influence in some political activities, and had prepared the ground for further encroachment on personal, 'Bororiet' and tribal liberties⁷⁰. But this gradual progress towards a centralised form of government in Nandi under the 'Orkoiyot' received occasional checks by the murder or expulsion of 'Orkoiik' who failed to give satisfaction to certain 'Bororiosiek' or all of them. This was the case with the Orkoiyot Kimnyole, who was murdered by some Nandi 'Bororiosiek' in 1890⁷¹. He was murdered because the 'Bororiosiek' concerned were enraged by his failure to protect them during a combined raid for cattle.

The institution of the 'Orkoiyot' played an important role during the Nandi resistance against the British in 1893-1906. The Nandi 'Bororiosiek' rallied to the then 'Orkoiyot', Koitalel Arap Samoei, hoping for a strong and successful combination of forces of the tribe to drive out the invaders. With the killing of the Orkoiyot in 1905, the Nandi were eventually defeated. With the establishment of colonial rule, the institution of orkoiyot continued to be respected by the government. In place of the dead Orkoiyot, Koitalel Arap Samoei, Kipeles was installed as the Orkoiyot in 1905, he being the eldest member of Talai clan then alive⁷². He died in 1911 and was succeeded by Lelimo Arap Samoei. He died in 1919, and Parserion Arap Manyei succeeded him. He staged a protest against the government in 1923, and since then, the office has had no official government recognition. Arap Manyei was arrested and exiled for seven years in Meru⁷³. He returned in 1930. His younger brother Koine Arap Koitalel deputised for him, as the 'Orkoiyot', while he was away⁷⁴. But in practical sense, the institution of Orkoiyot ceased to be recognized officially by the government in 1923. But Nandi people respected that institution, though nowadays there is no Nandi having that title.

2:5 PRE-COLONIAL ECONOMIC ORGANIZATION

One of the salient features that was predominant in the Nandi pre-colonial economy was their land tenure system. The land of the Nandi was regarded as the common possession of the tribe, but with special emphasis on Bororiet membership. For within his own 'Bororiet', a man could choose land for cultivation without restriction, and his cattle were free to graze anywhere within the area of the 'Bororiet'. The Land was divided into specific spheres with specific functions. The divisions were those for cultivation and grazing. Grazing land was further divided into three spheres, determined by its proximity to the cattle-holders homestead. These were the 'Kaptich' or cattle-grazing ground, which was beyond the 'Bororiet' frontiers and unsettled pockets within the 'Bororiet', the 'Akwot' land comprising all weather grazing ground of the 'Kokwotinwek', and the 'Kurget', or homestead land. The 'Kaptich' and 'Akwot' grazing lands were owned communally, while the rights over the ownership of kurget land were vested in the households⁷⁵. No cultivation or settlement was to be done on the 'Kaptich' lands.

The land for cultivation or 'Mbaret' was of two types. The first type was that immediately adjacent to a homestead, and the second was 'kokwet' allotment. A man could cultivate as much land, around the homestead, as his wives and children could manage. The staple crop grown was 'Paiuat', or eleusine grain and small quantities of 'Mosongik' or finger millet, maize, potatoes, pumpkins, bananas, sugar-cane, beans and tobacco were also grown in favourable areas. Planting took place in February or 'Kiptamo', meaning hot in the fields' or March, 'Iwat-Kut' meaning 'rain in showers'. Harvesting was from September, 'Kipsunde', meaning offering to God in the corn fields, to October, or 'Kipsunde-oeing' meaning second offering to God in the corn fields⁷⁶.

Cattle were never harnessed for draught purposes among the Nandi, and cultivation was carried on with hand implements made by Nandi smiths, 'Kitonyik', or were imported from their neighbours notably the Luhya and the Luo. Tenure of cultivated land was in the form of occupancy rights only, vested in the head of the family or his widows. The land reverted to the kokwet once it had been abandoned by its owner⁷⁷. This could be re-allocated by the 'Kokwet' elders. When crop supplies ran low, especially in the months immediately before the harvest, food was borrowed under the 'Kesumet' system which simply meant borrowing food to be paid latter. Others bartered the crops from the neighbouring Luhya and Luo. Even when staple crops failed, the Nandi were able to subsist with their flocks and herds⁷⁸.

The Nandi economic way of life was centred on the well being and increase of the family herds or 'tuka'. Not only did the Nandi own large numbers of cattle, as well as goats and sheep, but their whole life was centred around their cattle. Cattle formed the main occupation of the men. The possession of cattle was, in fact, essential for full participation in the social and political life of the tribe. The man who had none would not dare speak at the Kokwet Council, for he would not have been listened to. He had no chance also of playing a major role in any public office or ceremony. The first ambition of a Nandi boy was to acquire cattle. And the youth who had even one of his own had greater social prestige than one who had none⁷⁹. Small number of livestock were grazed at the Kurget around the homestead. Mature cattle were grazed at the 'akwot' nearby or driven by warriors to the 'Kaptich' grazing grounds which were far from 'Bororiet' settlement. Salt for cattle was obtained from a number of salt-licks⁸⁰.

Cattle were important not only for the material comforts they provided, but also because of the prestige and spiritual satisfaction which their owners derived from them. As a man without cattle was looked down upon by his fellows, every opportunity was taken to acquire cattle from raiding expeditions. Cattle were used for payment of dowry and also used as a symbol of wealth. Hence full participation in tribal life was impossible for a man so spiritless as to be without these symbols of manhood. Cattle were the sole form of wealth recognized, and the only kind of property that mattered. As such it was accumulated, being obtained chiefly by inheritance and from raiding expeditions.

Apart from livestock as a yardstick to social status and wealth, there were also people who depended on hunting game or what G.S., Snell calls the "trade for the poor" and blacksmiths⁸¹. The blacksmiths or the 'Kitonyik' were party to the rise of the Nandi to a position of prominence in the 19th century. This came to acquire importance with the correspondingly increasing importance of war fare. Iron-ore deposits called 'tobongenik' were widespread and 'kobandas' or smelting furnaces were many. Weapons like the long-throwing spear and the short-stabbing spear were made. The shields, 'longet', swords or 'rotwetab-chok', were also made. Bows, 'kwangok' and arrows, 'kotiek' were also made for the warriors. The quiver of arrows, 'mootiet' were also made for the warriors. These blacksmiths were regarded as special people and they were always given free cattle got from successful raids.

Some barter trade was carried on with other Kalenjin kinsmen, and also among the Dorobo and neighbouring tribes largely by border sections during periods of severe famine. But as A.T., Matson puts it:

"for the most part, the Nandi were well satisfied with their way of life, and had no desire to improve it by imitating or trading with their neighbours or by the acquisition of trade goods. Some military innovations were introduced as a result of the Maasai wars, borrowed from the neighbouring tribes"⁸².

The Nandi family was self-sufficient in most of the economic activities of the daily life. From the time he was a young child, every Nandi was taught to know his proper role by means of a comprehensive educational system which operated in the family and also in the wider community. Men did the preliminary work of clearing bushes and trees. Women cultivated the land and performed all domestic duties, while the warriors herded cattle in 'Kaptich' grazing grounds and participated in offensive and defensive warfare.

Agricultural work was a family matter. When a family could not manage to get through all its agricultural work unassisted, help was sought from neighbours in the 'Koret', relatives and age mates being those a man turns to for help.

The development of the Nandi, from a few small colonies of immigrants in Aldai to the status of the dominant power in western Kenya was made possible by its institutional structures. This explains why the Nandi, among the western Kenya people, gave the British imperialists the stiffest opposition in the last decade of the nineteenth century. This was because they were experiencing a period of power, expansion to new frontiers and prosperity. The maintenance of unity among the Nandi was moreover stressed by the Orkoiyot, whose reputation and influence increased among the Nandi as success attended the warriors in raids. Nandi resistance which started in 1893 was not broken until 1905, when the then Nandi 'Orkoiyot', Koitalel Arap Samoei, was murdered in cold blood. The Nandi who were dispirited by the death of their orkoiyot were eventually defeated.

Hence the signing of the peace treaty of Kipture on 15th December 1905. The terms of the peace treaty included the removal, to a reserve, of the Kamelilo and Kapchepkendi 'Bororiosiek' in the south east of Nandi.

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CHAPTER THREE

THE MIGRATION OF NANDI SQUATTER COMMUNITY:1906-1918

3:0 SQUATTER SYSTEM

Resident labour or "squatter" system, a South African term, was used to denote African labourers who lived with their family and stock on white settler farms. Under this system an African entered a contract with a settler to work for him for a stated period of time at a specified wage. In return, he was allotted land on the farm to build his house, graze his livestock and cultivate. As a system, it provided the labourer with a chance to live with his family and also land on which to keep his stock and grow food crops. Squatterdom started as early as 1904 with farmers encouraging African families to come on to their farms in order to obtain what was thought to be cheap labour¹. The Native Labour Commission in 1913 considered the encouragement of resident labourers desirable, but suggested that it should be checked. This was because uncontrolled number of squatters in white settled lands could endanger the soil conservation methods and the available water supplies.

Squatting was an alternative option for many Africans; it was certainly not, however, the last resort of the desperate and destitute of the African reserves. Wages were hardly the Africans prime consideration since wages for resident labour were generally, until the 1950's much lower than that of casual or ticket labour². The Nandi signed squatter contracts in increasing numbers just before World War one, using the expansive estates of the western white highlands to graze their

attle. Squatting was a feature which characterised the entire highlands which the Europeans occupied, with Nandi squatters comprising the second majority after the Kikuyu squatters on European farms³.

The development of the settler sector depended directly and heavily upon the support of the colonial state. The Uganda railway was built with loan funds provided by the British treasury to provide strategic access to the headwaters of the Nile⁴. To repay the loans and to terminate the annual grant-in-aid paid by the treasury to meet the cost of administering British East Africa, the land had to be made productive. The colonial administration considered extensive white settlement as the means of bringing this land into production. The government alienated about 7 million acres of land, including some of the most fertile in Kenya. This land comprised what came to be known as the white highlands, or the settled areas, which were set aside for exclusive European agriculture⁵.

Apart from access to land, the settlers needed a cheap and abundant supply of labour. It was intended to make the Africans work for them. Therefore, Africans had to be compelled to work, partly by force, partly by taxation and largely by preventing them from having access to enough land or profitable crops to enable them to pay taxes without working for wages. The above measures were all designed to polarise the settler and African economies by subordinating the latter to the former⁶.

3:1 LAND ALIENATION AMONG THE NANDI

One of the most important factors moulding initial colonial policy toward the Nandi, and the Nandi response to that rule, was the way in which colonial rule was established. The military threat of the Nandi, which until 1906 rendered European settlement of the Uasin Gishu Plateau insecure, moulded an initial colonial policy of removing the Nandi into a reserve. Although settlers had taken up land in the Kikuyu country and the Rift Valley, some had started to select land in the Western highlands before the end of 1904. Their security and the prospects for more widespread settlement depended on the final defeat of the Nandi occupying South-East of Uasin Gishu. In 1895, 1900, 1902, 1903, and finally in 1905, the British authorities mounted punitive raids against the Nandi. After the final campaign of 1905, the Nandi were removed to a reserve and strict controls were instituted over their movements outside it⁷.

The settlers had recommended that Africans should be grouped into definite reserves "far away from European centres" or any lands likely to be suitable for European settlement⁸. The settlers demanded the creation of reserves in order to find a suitable dumping ground for expropriated Africans. The idea of "Native" reserves policy was not a new one. Some reserves had in fact been established through the use of "treaties" or declarations under the Outlying Districts Ordinance of 1902. An example of this were the so called Maasai "agreements" of 1904 and 1911. Although the ordinance was used for a variety of purposes, it formed a basis for the control of "native" movements into the settled areas of the protectorate. The Crown Lands Bill of 1908 on African land rights gave the Governor the power to reserve from sale, lease or other disposal "any crown land

which in his opinion is required for the use or support of the members of the Aboriginal native tribes of the protectorate"⁹. From time to time African reserves were set aside in this fashion.

For the Nandi, their prolonged resistance was costly in lives, cattle and land. They lost land in southern Uasin Gishu Plateau which they had considered as part of their ancestral land. This area was opened for European settlement. The land alienation of 1906 also deprived the Nandi in the south grazing areas and salt licks for their cattle¹⁰. Those Nandi who had been moved to the reserve and resettled in the northern part of it found themselves in a marginal climatic area with less rainfall and unsuitable to the crops formerly grown in the south¹¹. On 1st October 1907, the boundaries of the Nandi reserve were published in the gazette. In November 1907, a pledge was made to the Nandi elders by the colonial government that "the land that they occupied was theirs forever"¹². This pledge was confirmed in 1910, when the boundary of the Nandi reserve was revised. According to the Report of the Kenya land commission, the agreement between the British government and the Nandi elders "were of a particular formal character and were in the nature of a pledge given to the Nandi people"¹³. But these agreements, the Report continued, appeared to have been overlooked when the government approved, in July 1912, the expropriation of seventeen and one-half square miles of land in the Kaimosi area, which was included in the Nandi reserve both by the agreement of 1907 and that of 1910¹⁴. Before long, some additional sixteen and one-half square miles were taken away from the same people.

The period after the First World War was one of increased pressures from the colonial government and settlers on Africans in general, and on the Nandi in particular. The soldier settlement scheme led to further alienation of African lands and brought a large influx of new

settlers. The most disruptive colonial action of this period, one which the Nandi strongly protested was the alienation of further lands from the reserve. In 1919, one hundred square miles, fully one-seventh of the reserve, were alienated. The alienated land of the Kipkarren Valley was among the most fertile parts of the Nandi reserve, and an important grazing area which contained several cattle salt licks¹⁵. The Nandi were not consulted about the proposed alienation, which resulted in the removal of from 1500 to 2,250 residents¹⁶. New land grants were also made at this time in the Kaimosi area on the western side of the reserve and in the southern area, so that within a few years, the number of settlers in, or on the outskirts of the Nandi reserve increased significantly¹⁷. The land alienated was inside the boundary of the area which the Nandi had been promised would be 'theirs forever' when the Nandi reserve was defined in November, 1907.

By limiting the land and the knowledge of agricultural production to the Nandi in the reserve for fear of competition with white farmers, protectorate land policies induced them to leave the reserve for employment as wage earners on European farms. In Nandi, the effects of these alienation- the loss of land for cultivation and grazing and the loss of additional key cattle salt licks exacerbated relations between the Nandi and the settlers.

3:2 FACTORS BEHIND THE NANDI SQUATTER MIGRATION

Part of the reason for the movement of Nandi to the settled areas as squatters was the confiscation of their land and cattle following the 1906 colonial government campaign against them¹⁸. The original Nandi country from which they were removed in 1906 was gradually being re-occupied by the Nandi as squatters. The main concern of the Nandi people, who became squatters, was land

for their stock. So long as they were accompanied by their stock, the Nandi people accepted to contract as squatters in Uasin Gishu plateau¹⁹. Immediately after the First World War, the alienation of hundred square miles of Nandi land, which included cattle salt licks, resulted in Nandi migration to European farms mainly in Uasin Gishu and Trans-Nzoia districts. Many of them had been born in this area and they believed, as one of my informants Mr. Arap Ngetich, stated, "that they were fully entitled to live in settled areas, because it was formerly owned by them".²⁰

The other reason which forced the Nandi to contract as squatters was that during the First World War, some Nandi left their reserve in order to avoid having their stock commandeered for provisions under the Stock and Produce Thefts Ordinance.²¹ This Ordinance, which was meant as a measure against the theft of settler stock, had adverse effects on cattle owners. Under the ordinance, up to ten times the value of stolen stock could be confiscated from any member of a cattle thief's Bororiet or location. The penalty was excessive and some Nandi livestock owners, rather than risk the reduction of their stock by such a legislation, moved to European farms as squatters. Here, their stock was safe from the above law. Once outside the reserve squatters were not subject to the Nandi pass regulations and had much greater mobility.²² In many cases, the Nandi lived on European farms without much supervision from the settlers.

The placing of Nandi reserve under the quarantine against pleura-pneumonia, rinderpest and East-coast fever during the period 1904 to 1924 also contributed to the movement of the Nandi outside their reserve. This quarantine not only prohibited the movement of stock to and from Nandi reserve, but it also limited the possibilities of trade in cattle.²³ Consequently, the Nandi had little

or no means of obtaining cash which had become a basic necessity to many people in the colonial period. So the Nandi families therefore drifted to the settled areas as squatters.

Another factor for Nandi migration to settled areas in Uasin Gishu was the encouragement by the settlers for Nandi warriors or 'Murenik,' with their stock, to come to settled areas and assist the whites to hunt for lions which had terrorised their livestock. The 'Nyongi' age set, who were the warrior set at the time, were encouraged by the Uasin Gishu Farmers Association, through Mr. Cecil A. Hoey, to settle in their farms with their stock.²⁴ During the pre-colonial period, among the Nandi, the warriors usually drove cattle to the 'Kaptich' grazing grounds in Uasin Gishu after the defeat of the Maasai. Thus they took up the request by the settlers with enthusiasm. This gave them the opportunity to exercise their military capabilities by hunting. Since the practice of raiding cattle from neighbouring tribes had been prohibited by the government, the hunting expedition became its alternative among the warriors. In this hunting expedition the Nandi warriors saw the pastures in European settled areas of Uasin Gishu to be very good for their cattle. When the message reached Nandi, many people took their stock to European farms.²⁵ In addition, those Nandi who had lived in the northern part of reserve, which was a marginal climatic area, moved to European farms.

3:3 EARLY SQUATTER RECRUITMENT

The history of Nandi squatters in Uasin Gishu goes as far back as 1912 when settlers made several requests for labour to Nandi chiefs.²⁶ In that year, it was observed that the cattle population in the Nandi reserve had fallen to about 12,000 as the bulk of the cattle had gone with the squatters

to the neighbouring settler farms.²⁷ At the same time, the issue of Nandi squatters raised complaints from both chiefs and European settlers. Chief Arap Koitalel complained that settlers in the Uasin Gishu were constantly requesting him to supply them with labour. In 1916 settlers were complaining about the restriction by tribal authorities forbidding Nandi squatters to take their cattle on to farms.²⁸ The Nandi would not contract as squatters unless they were allowed to take their cattle with them. The Nandi District Commissioner reported in 1912 that "When temporary concessions were granted by the Veterinary Department allowing the Nandi to take a few milk cows, hundreds of Nandis registered for work on the farms".²⁹

The Nandi headmen and the District Commissioner, however, opposed the movement to the farms because it entailed a loss of control over the Nandi, which also became an important supplementary reason for the movement. Squatting greatly increased after 1916 as the result of the loosening of government controls over Nandi movement outside the reserve. By 1919, there were about 1500 Nandi squatter families in Uasin Gishu and Trans- Nzoia district.³⁰ The Nandi squatters brought their women and children to the settler farms as well as livestock. In 1911, the Uasin Gishu District Commissioner had said that "it was the 'hope' amongst settlers that the Nandi would leave the reserve and settle among the white population with their cattle and families.... the latter to become employees of the farmers on whose holding they reside"³¹.

The Nandi were not only an important source of labour but, in a district which had a brief flirtation with the idea of becoming a stock farming district, they were also an important source of cattle for the white settlers. This is clearly shown by an editorial in the Leader of British East Africa in March 1st 1913, that "the Nandi are the only neighbouring people from whom cattle can

be procured"³². The Nandi squatters in farms were engaged as herdsmen, milkers and drivers. Squatting met the needs both of the settlers and the Nandi. For the settlers, it provided the much needed labour force, while for the Nandi, it meant access to much-needed grazing lands.

Initially, squatting alleviated some of the disruptive effects of the land alienation of 1906 as Nandi returned to live on their former lands with little change in their traditional way of life.³³ Many of the early settlers merely charged rent in the form of milk and did not exact agricultural labour. Squatting preserved the pre-colonial Nandi system of controlling herds. Cattle, a source of wealth and status, were loaned to friends and relatives who became cattle caretakers in settled areas. This provided insurance against cattle epidemics in the reserve. Thus the grazing areas on the white farms served not only as a cattle place for Nandi stock but established a strong link between the squatters and the reserve political economy. Since the Nandi entered the labour market as squatters, moving their families, cattle and living on land traditionally considered theirs, squatting 'allowed traditional relations of productions to be maintained more or less intact until a later point in time'³⁴. As the squatter system evolved, it began to show a number of characteristics that revealed weaknesses in the settler community and colonial governments attempt to create an African Workforce. In the 'squatter' or 'resident labour' system, Nandi were allowed to live, farm and graze their livestock on sections of the settlers' land in return for an agreed amount of labour paid at a nominal wage. The European farmers were required by the colonial administrators to pay their squatters taxes. On the farm, normal work would begin early, perhaps shortly after 6.a.m when the farmer, speaking through his headman, would allocate the tasks for the day³⁵. Work would continue till 5.00 p.m., having included a midday break. The headman in the settlers farms was

normally of the same tribe as the majority of the labour force; and in this case, he was normally a Nandi.

3:4 KAFFIR FARMING

In the early years before official labour contracts were enforced, the Nandi squatters often did no work for the settler, paying only a rent in kind.³⁶ This was derogatorily referred to as 'kaffir farming,' a South African term which referred to the practice whereby a large European landowner would allow Africans to use his land for grazing and cultivation in return for payment in cash or kind, the latter in the form of milk, manure, or stock.³⁷ Colonial administrators saw kaffir farming as a drawback to the whole purpose of European settlement.³⁸ Various versions of Kaffir farming in Kenya coexisted alongside the squatter phenomenon and evaded the scrutiny of the administration. Its development was blamed on the small impoverished European settlers who, through lack of capital, were prevented from engaging in productive agriculture on their farms³⁹. But some forms of Kaffir farming seemed to have been practised by a majority of European farmers throughout the colonial period⁴⁰. Until the mid 1920's squatters were largely left alone, living a pre-colonial life in white farms. On the farm Nandi squatters were free to locate homesteads anywhere within the area the settler had set aside for them on his farm. The Nandi squatters grazed their cattle all over the settlers farm.

Until 1918, little was done to regulate the legal relationship between European settlers and their squatters. It was difficult to distinguish between a squatter who was supposed to be a labourer and one who merely paid rent. In this respect, the constant reference to the squatters' evasion of

duty or reluctance to work for the European settlers were indicative of the difference in the squatters' status as labourers on the one hand, and having returned to their previous grazing land on the other⁴¹. The latter, among Nandi squatters, was more apparent in the period before 1918.

The settlers in Uasin Gishu used to share out among the squatters some food. The posho or maize meal ration would usually be distributed weekly till the time when squatter crops had been harvested. A Nandi resident labourers' essential items of food consumption were maize meal, milk, blood, millet, wild vegetables, and meat. The Nandi squatters were both herders and agriculturalists. They cultivated for the provision of the family needs. Millet was used for making porridge and also mixed with maize to brew. The Nandi resident labourers' wives, brothers and children contributed much of the labour required in the family.⁴²

Nandi squatters in Uasin Gishu also accumulated a large number of stock due to abundance of pastures and access to salt licks. Cattle disease was also less here than in the reserve. The First World War saw an enormous increase in the drive to squatterdom among the Nandi in Uasin Gishu. War-time supervision of many farms was very difficult. More and more Nandi squatters thought that squatterdom provided stability and security of his cattle, which was not present in the Nandi reserve. Economically squatter labour was cheaper for the employer and profitable for the African who had his own plot to cultivate, grazing land and furthermore the labourers' family could earn a living from the settler farm.

The fact that Nandi squatters did not have legal title to the settled areas of Uasin Gishu was, in the early years of settlement, immaterial, because access to it was more important. Land in

pre-colonial Nandi, as one of my informant Mr. Kiplagat Rutto puts it, although part of the means of production, was not viewed as a form of property, and since it was so plentiful 'control over it was not a real issue.'⁴³

3:5 THE OTHER SQUATTERS IN WHITE HIGHLANDS

Though predominantly a Nandi practice in Uasin Gishu district, squatting was neither restricted to this area nor to the Nandi alone. The Kikuyu squatter community comprised the majority of resident labourers on the settler plantations and estates in the Rift Valley province of the white highlands.⁴⁴ There were also Akamba, Marakwet, Keiyo, Luhya, Tugen, Gusii and Luo squatters.

The Kikuyu who emigrated to the Rift Valley during the second decade of this century as squatters came for three main reasons: landlessness, a desire to avoid military service with the carrier corps and a need to escape from despotic rule of the chiefs and their agents.⁴⁵ The Kipsigis too were short of land, mainly as a result of colonial machinations. One hundred and thirty thousand acres (406 square miles) had been alienated for European farms and some parts of the alienated land, which had not been bought, had been designated as crown land. The loss of the sotik land and salt licks was particularly hard on the Kipsigis. This forced them to resort to squatterdom in search of fresh pastures in European farms.⁴⁶

The Keiyo and Marakwet found it necessary to resort to squatter labour by the mid 1920s. Victims of pre-colonial and colonial factors, the Keiyo and Marakwet occupied the eastern rim of

the Uasin Gishu plateau before 1890. In 1922, they lost 328 square miles of forest land which was alienated to E.S.Grogan⁴⁷. This loss was deeply resented by the Elgeyo. The area of grazing left to them was small and quickly became overstocked, making the animals vulnerable during the dry months of the year. Overstocking became a major land problem, leaving the Keiyo and Marakwet no alternative except to sign on as resident labourers on European farms. Luyia squatters settled in the Trans-Nzoia and Uasin Gishu farms, while Luo squatters contracted in the Muhoroni, Koru and Londiani areas. The Abagusii were to be found in the Kericho Tea Estates.

The Nandi squatted in Uasin Gishu District in order to obtain access to the much needed grazing land for their stock. Many Nandi took with them their stock to the white settled lands before the first world war where there was available grazing in payment for labour. In these early years, the Nandi squatters often did no work for the settler, paying only rent in kind. There were many illegal Nandi squatting in European farms for pastures. This was because the Nandi in settled areas were largely left alone with little supervision over their activities. But by 1918, the colonial government attempted to create official labour contracts between the Nandi squatters and the settlers through the Resident Native labourers ordinance.

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43. Interview with Kiplagat Arap Ruto, 22th October 1992, Moiben.
44. By 1945, there were about 200,000 squatters the majority of whom (122,000) were Kikuyu. See Leys, Underdevelopment in Kenya, p.47.
45. For a discussion of the various pressures that beset the Kikuyu community to move as squatters in Rift Valley, See Kanogo, Squatters and the Roots of Mau Mau, p11-13.
46. For the discussion of land alienation among the Kipsigis, see Korir, K. M. Arap, "The Tea Plantation Economy in Kericho District and related Phenomena to Circa." A B.A. Dissertation, Department of History, University of Nairobi, 1976.
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CHAPTER FOUR

NANDI SQUATTERS AND SETTLERS

1918-1937

4:0 THE 1918 RESIDENT NATIVE LABOURERS ORDINANCE

The European settler demand for labour in the Uasin Gishu District was to a large extent fulfilled through the encouragement of Nandi people to live on farms as squatters. Since the Nandi wanted to obtain grazing land for their cattle, the squatter system allowed them extension of what they termed as the 'Kaptich' system or the system of dividing cattle for the purpose of herding.¹ The Nandi squatters could live on the Uasin Gishu plateau which, prior to European settlement, they had used as a grazing ground after the defeat of the Maasai. The squatter system thus enabled the Nandi to return to conditions similar to those prevailing before the arrival of the white settlers. The European settlers, in turn, tolerated squatter grazing in Uasin Gishu as long as their cereal agriculture flourished.

From 1918 onwards, however, the colonial government was determined to control squatter labour in the highlands. It wanted to obtain cheap labour for the white farmers while regulating the activities of the squatters. This was because it had become quite a common practice for Africans to rent land from its European owners in the so called "Kaffir farming". The government objected to this squatting since "it threatened to turn European concessionaries into functionless landlords, and tended to prove that land would be most fully and profitably used under African rather than

European settlers".² Subsequently, measures were applied that threatened both the economic and the social viability of the squatters in the European farms.

The Principal Inspector of Labour, Dr. V.M. Fisher, outlined the new policy. He stated that the farmer was prepared to give the squatters grazing rights and certain other privileges in return for being guaranteed a fixed amount of work and an available labour supply³. Arguing that the squatter families were too numerous for the police and veterinary department to supervise effectively, he asserted that "promiscuous uncontrolled squatting" was a bad thing,⁴ and had to be controlled. Unlimited numbers of stock could not be tolerated by the colonial government for, while the presence of a few squatters benefited the land, an excessive number damaged it.⁵

In 1918 the government passed the 1918 Resident Native Labourers Ordinance which defined and fixed the squatters fundamental relations with the settlers. In its opening words it stated that "Whereas it is desirable to encourage resident native labour on farms it was necessary to make measures for the regulations of the squatting or living of natives in places other than those appointed for them by the government of the protectorate."⁶ The ordinance was thus to serve two purposes; to encourage squatters under obligation to work for the settlers and to forbid the settlement of Africans who were under no obligation to work for their owners.

The provisions of the 1918 Resident Native Labourers Ordinance were that:

1. The Magistrates were given powers to prescribe to the European farmer the number of squatters permitted to live on his land "having due regard to the labour requirements of his farm".

available labour to the farmers, for the squatters' wives and children could be called upon at peak labour periods like during the harvesting season.

Since one of the major complaints on the Uasin Gishu Plateau had been the frequent labour shortage, many settlers believed that encouraging more squatters was a means of solving that problem. This was especially the case after settler farmers switched from mixed farming to large scale agriculture in the district after 1918.¹⁰

Thus legalised, the resident labour or squatter system became the relationship by which farmers in the 1920s engaged in the largest proportion of their labourers, and the relationship by which in consequent, large numbers of Nandi squatters first came into close contact with a white man and his farming methods. The Nandi generally referred to their contract as 'bulu' or 'blue' from the colour of the rubber stamp used while signing the contract.¹¹

Though designed to generate and control labour by emphasizing the squatters' labour obligations, the 1918 Resident Native Labourers Ordinance largely failed to ensure the development of an adequate labour supply in the colony. The settlers and the squatters continued to pursue activities that were contrary to what the government wanted of them.¹² In the early 1920s there were complaints by colonial administrators that many of the provisions of the 1918 Resident labourers ordinance were not being fully observed by the European farmers. Squatters were said to be unlicensed and farmers were not keeping registers of their resident labourers. White farmers were afraid of losing their labour if they stuck to the letter of the law.¹³ The Settlers and Nandi squatters in Uasin Gishu continued the practice of Kaffir farming which the law had prohibited. The

settlers allowed them to graze their cattle in return for a payment in kind in the form of milk and manure¹⁴.

4:1 FURTHER SQUATTER LEGISLATION

The 1918 Ordinance was amended following a ruling in 1924 by the Supreme Court that a squatter was a tenant and not a servant. The Court ruled that the 180 days obligatory service was part of the contract which allowed a man to live and graze his cattle on European owned land.¹⁵

In 1925, the Resident Native Labourers Ordinance of 1925 was passed. The main principle underlying the Ordinance was that a squatter was not to reside continuously on a farm unless he was in regular employment for the employer. The Ordinance required that squatters be employed for not less than 180 days in the year under the provisions of the Master and Servants Ordinance. It also stipulated that when a farm changed hands, the contracts were automatically transferred to the new owner. The employer was to keep a Register for all his squatters in order to enable the authorities to remove all idle squatters from farms either to employment or to their reserves. Also farmers had to keep records of the squatter stock in his farm. In return for their increased powers over the squatters, the settlers were obliged to provide the squatter with building materials in addition to land for grazing and cultivation.

Even with these increased powers, however, the settlers failed to curb squatter illegal activities in their farms in the Uasin Gishu district for fear of losing labour. Squatters did not work their contract days as stipulated by the ordinance. The 1925 Resident Native Labourers Ordinance made

it impossible to prosecute the local farmer who did not keep records about his squatters and livestock. It was also difficult to prosecute a squatter with excess stock. Mr. Justice J. Sheridan, in quashing a conviction under section 10, Resident Native Labourers Ordinance 1925, stated: "There is no such offence as maintaining cattle on a farm in excess of the number allowed by contract. The fact of having an excess may be a ground for rescission of the contract between the occupier and the squatter but it does not render the latter liable to conviction."¹⁶

As the demand for grazing in settled areas among the Nandi grew, more families were made to seek work as squatters or went out to visit their kinsmen on farms, sometimes settling in substantial numbers on the more remote and undeveloped areas of the farms. Settlers too, failed to keep their registers properly which facilitated illegal squatting.¹⁷

The other major issue with which the colonial government confronted the Nandi squatter community at this period was that of stock thefts. This was perhaps because of the very high value which Nandi people placed upon cattle that thefts of stock was an endemic problem of a grave nature. The acquisition of cattle among the Nandi had been, in the pre-colonial era, one of the main reasons of tribal warfare¹⁸. The Nandi liked to have large numbers of cattle which was a symbol of wealth. This could only be achieved through stock thefts from their neighbours.

In the early 1920s many Nandi squatters in Uasin Gishu found themselves in a unique position in their experience; they had been encouraged to live on European farms, where little supervision was exercised over their activities and they were surrounded by settlers' cattle. Many of them took advantage of the opportunities which this situation offered and stole European cattle. In an editorial

carried by the East African Standard of March, 3th 1923. It was stated that "nearly all cattle stolen from European farms were found...hidden among squatter herds on various farms."¹⁹ Stock theft among Nandi squatters in the Uasin Gishu Plateau is clearly shown by the following remark by the Nandi district Commissioner in November 1926: "Stock thefts occur weekly if not daily in the plateau and Turbo areas, and there appear to be few convictions. The thefts are inter-squatter. The Nandi are still going out in large numbers to squat on the plateau... Farmers in general do not appear to have any idea as to the number of head of squatter stock upon their estate and branding is generally slack, the consequences being that the work of the stock thief is made easy."²⁰

In an attempt to control stock thefts among the squatters, the colonial government decided to be tough. It required that both European and squatter stock should be branded, the latter with an S brand. In addition all squatter stock was to be registered in order to facilitate the detection of animals which had been stolen.²¹ Punishment for theft was to be severe. For instance, the theft of 22 heads of cattle by the Nandi squatters from Cherangani Hills resulted in a fine of Shs.6,000 being imposed on each of the two Nandi concerned.²² Cattle thefts, among the Nandi squatters, were carried out entirely by the young men, often merely as acts of bravado and in conformity with the tradition of the tribe which in days gone by regarded the Luyia and Luo cattle "as Corban."²³ The act of stock thefts on the various ethnic groups, especially the Luyia and the Luo, among the Nandi, had served as a leading factor in contraction of the Nandi as squatters outside their reserve. This was as a result of the colonial government's move of enacting the Stock and Produce Thefts Ordinances during the First World War. Under this Ordinances, up to ten times the value of stolen stock could be confiscated from any member of a cattle thief's Bororiet or location²⁴.

The Stock and Produce Thefts Ordinance was introduced to the Nandi squatters. This Ordinance was popular among colonial administrators. Powers over squatters were to 'be exercised to the full, police were to be reinforced in the stock theft areas. From 1927 new legislation was to be introduced which could empower any owner or manager of a farm to arrest without warrant any African suspected of stealing stock or produce from that farm. The Stock and Produce Thefts Legislation drafted in 1928 but not passed until 1933 was an extension of the relationship between squatter and employer. By 1933, the 'Kapchepkendi' "Bororiet" of Nandi, who had given much trouble with stock thefts were barred from attesting as squatters in the Uasin Gishu Plateau.²⁵

4:2 SQUATTERS AND SETTLERS

Some employers were cruel, especially the Afrikaner farmers or "Kaburu" as the squatters referred them.²⁶ These settlers were known to be harsh. When annoyed, they could shoot at the cattle and slash maize farms of the squatters and set his dogs to maul the squatters or his other labourers. The Nandi squatters claimed that these farmers were notorious for not paying their labourers after their contracts had been fulfilled. If a Nandi squatter was bold enough to ask for his increment, he would be flogged with a hide whip and forced off the farm without his pay.²⁷

But the average Nandi squatter did not object to having to wait for his wages provided his master paid Hut tax for him and his cattle got enough pasture in the farm. Other settlers denied the squatters access to the salt licks and water situated in his farm. The winding-up or sale of a farm or the death of the farmer could involve the squatter in formidable difficulties, but this was not a serious problem since the Nandi squatter in Uasin Gishu were much in touch with Nandi reserve and could return to the reserve.

Though the farmers continued to treat their squatter labour harshly during this period, they were more generous in permitting large squatter herds to graze on their farm and land to cultivate.²⁸ Once settled, Nandi squatters could graze anywhere in the settler's farm. Many Nandi squatters in this period became very wealthy. Squatterdom to the Nandi suited them so much that it became part of the framework of their economy. By 1931, the Nandi had some 30,000 head of cattle and nearly as many goats and sheep on farms.²⁹ The Nandi also during this period harvested good yield of crops and thus supplemented it with their cattle products. The bulk of the land under squatter cultivation was planted with maize. Squatters were not allowed to sell or dispose of any of their produce without first notifying the settler. A settler would then buy the produce at a very low price. At times squatters could sell their produce to Asian middlemen although they bought it at a low price.

Most farmers during this period used to mix squatters of different tribes to form their labour force. This was something hated by Nandi squatters and thus led to disputes, stock thefts among the Nandi squatters and those from different tribes. Also this could occasionally lead to violent ethnic clashes. For instance in the 1930s, relationship between members of the Nandi and Elgeyo ethnic groups were strained when members of one ethnic group came as uninvited guests to ceremonies or dances held on the farms by the other ethnic group.³⁰ Inter-ethnic thefts of stock also caused disputes in the settled areas. By 1930, some Nandi were replacing Elgeyo on the eastern side of the plateau as squatters. In 1931 the District Commissioner of Elgeyo-Marakwet reported that many Elgeyo squatters were returning to the reserve with large numbers of cattle because of job shortage.³¹ As a consequence, the Elgeyo nearly staged a war on the Nandi for squatting on Elgeyo "farms".³² As a result tension between the Keiyo and the Nandi ran high with mutual accusation of cattle thefts. The

District Commissioner at Tambach became alarmed for fear that any physical confrontation between them would be against settler interests.

4.3 THE NANDI SQUATTER STATUS IN INTER-WAR PERIOD

The Nandi Squatter status in Uasin Gishu district, during this period, was generally good. It provided a material security and preservation of family life, together with a paternal relationship that was for a period of time desired by the squatters. While the men were working their 180 days, their wives with their babies left in the shade of a tree sometimes tended by an older child, had the task of breaking the ground of their small plots. Many farmers provided a number of small services for their squatters. A large farm or a group of small farms might run a small school.³³ But the Nandi squatters normally did not like the western school system and thus did not allow their children to attend.

The life of a Nandi squatter, except when he was actually engaged in work for his employer, was much as it was in the Nandi reserve.³⁴ The normal contract stipulated that the squatter must work on not less than 180 days in the year; but these working days needed not to be consecutive, and so a Nandi squatter had plenty of time for attending to his own concerns. In fact, life on a farm differed little from life in the reserve, and if a man wanted a day off, he could easily be "ill".³⁵ The main difference was that in farms there was no independent Nandi squatter Elders Council or 'kokwet',³⁶ where disputes amongst them could be settled. In the Nandi Reserve the 'Kokwet' council's function was to investigate anti-social activities of its members. But this changed among the squatters since the farm owner was charged with that responsibility. Disputes among the squatters was settled by the white settler through his Headman. However, when there were many Nandi squatters on a group of

farms, or on one large farm, the old men often formed a kokwet, more for the pleasure of meeting and talking than for legal business as it was in the reserve.

Since the Nandi squatters were within reach of the reserve, it is true to say that they were not detribalised. They were still part of the tribal institutions in the reserve. It is only when one was in actual contract that he was unable to go to the reserve. But his family members were free to go back to Nandi Reserve. Hence they participated in the tribal institutions of the reserve.

Since a large number of Nandi lived on farms as squatters, a good deal of important ethnic business was practised there, for instance circumcision and marriage ceremonies. However circumcision of boys was still controlled from the Nandi reserve. Many squatters lived within a reasonable short distance of the Nandi reserve, and could easily walk there when not required for work, so that they could maintain close contact with their relatives and friends. Since the Nandi considered that they were fully entitled to live in the settled area because it was formerly theirs, they regarded it as an extension of the reserve and as part of their tribal area.³⁷

During the Inter-war period, the Nandi squatters came into much close contact with the settlers at their farms than did the non-domestic town labourers. They saw the European at close quarters and were taught to do various kinds of work, and had opportunities of assimilating various culture traits of the Europeans. Nandi squatter huts began to have furniture modelled to that of the European. Some Nandi squatters discontinued the practice of piercing-ear-lobes.³⁸ Machines, tractors, engines, gramophones, lanterns, European food, the printed word passed into every day use of the squatters. In dress, the Nandi squatters who worked in European houses usually wore European type of

clothes-shirt and shorts or trousers. But his wife, who lived in a hut a few yards from the European still wore her skin costume and iron ornaments; and many of the men who worked on the farm still dressed as they would do if they had never come out of the reserve. The Nandi squatters on the whole remained aloof from the European way of life.

Existing legislation was also ineffective in dealing with the large numbers of squatter stock in Uasin Gishu district. The squatters regarded their stock as their main form of saving and investment. By the 1930s the number of squatters and their cattle had increased tremendously. Squatters had concentrated all their energies into accumulating stock which, until then, had provided the settlers with milk and manure. Some settlers had even built their herds from Nandi squatter cattle. The rapid increase of squatters and their herds was to a large extent an indication of squatter autonomy in the Uasin Gishu district. The Nandi squatters were more dependent on their cattle than they were on wages. This was because the real inducement to be a squatter in Uasin Gishu among the Nandi was the availability of good pastures for his cattle and thus the Nandi squatter was content with little wage offered by the settler.

4:4 SETTLERS AND SQUATTER STOCK

The great Depression of 1929 was caused by a collapse of the World market system. This collapse affected the capitalist market system over the whole World. This included the colonies. In Kenya, the depression greatly dislocated the primary commodities export trade, which was dominated by settlers. As the prices of settler crops in the World market dropped sharply and colonial trade fell drastically, the settlers fell their monopoly of commercial production for export.

The period between the late 1920's and 1939 could be said to have been characterised by the consolidation of commercialization among the settlers. Part of the reason why the settlers were hit hardest was due to their extreme dependence on the Maize crop as their major export. The extensive depreciation of the World maize market convinced settlers, of the need to diversify their production. While some adopted new crops as pyrethrum and tea, others diversified into the stock industry, keeping dairy and beef cattle and sheep.

Among the squatters, this settler diversification was not without its problems. These were particularly rife in the stock industry. Kikuyu and Kalenjin squatters, especially who provided resident labour on settler farms, brought with them, and continued to accumulate stock in the White Highlands. For the settlers who imported expensive and exotic breeds of livestock, squatter stock was seen as a looming danger; it might infest settler stock with any of the many diseases considered endemic to African stock. Squatter stock were said to be infested with redwater, blackwater and East coast fevers, rinderpest and pleuro-pneumonia. Settlers could not sit back and watch their stock destroyed. Depending on whether the area was largely a mixed farming or dairy farming, settlers advocated for the reduction or elimination of squatter stock.

With the help of government personnel from the Ministry of Labour, settlers proceeded to reduce, and in some cases to eliminate, squatter livestock. By and large, the various settler bodies in the country took independent actions in their endeavours to deal with the problem. Depending on the ecological zone and the dominant agricultural activity, settlers decided whether to eliminate squatter stock or not. For example, in drier zones where dairy and beef stock-keeping were predominant, settlers advocated for complete eradication of squatter stock. In areas of mixed farming which were

labour-intensive, the need to ensure a regular supply of seasonal labour led the settlers to adopt an accommodating policy. They rejected the complete eradication of squatter stock, opting for a reduction instead.

In the Uasin Gishu District in the early 1930's, the low cereal prices promoted a switch from plantation agriculture to mixed farming among the settlers. The Uasin Gishu district Council, a settler controlled local authority body representing the settlers in their various wards, passed the following resolutions:

1. No squatter with cattle will be imported from a reserve except with approval by the District Commissioner.
2. No squatter would be allowed on crownland except when in transit to a reserve, and this period should not exceed one month.
3. No squatter to be allowed on unoccupied farms.
4. No squatter to be signed on except with the permission of the District Commissioner, if he is unable to obtain a satisfactory recommendation from his former employer.
5. New squatters will not be attested with more than 10 head of stock.
6. No squatters shall be signed on by a new employer without a statement from his former employer.
7. All Nandi out of their reserve should be in possession of a valid Nandi pass.
8. Nandi squatter beginners were to seek the permission of their own District Officer and District Commissioner in Eldoret, who would prove the squatter fit to reside outside his district, and having paid the necessary taxes in their home districts, they would be struck off the Native Tax Register.

On leaving the farm, the squatter would be required to carry a pass from the farmer stating destination, duration and his name.³⁹

The settlers and the colonial administrators held different opinions about reducing squatter stock during this period. While some settlers felt that the decision of the majority at least over the issue of de-stocking, should be binding to all within the region, others expressed the opinion that because labour requirements varied considerably in Uasin Gishu district, local options should be allowed in different areas. In this respect, Hoey's Bridge Farmers Association resolved that because of the general shortage of labour in their areas, the District Commissioner would be asked to use his discretion to amend the local squatter rules. This would allow both new and old squatters to possess a maximum of twenty head of stock. The settlers also hoped that the Kapchepkendi 'Bororiet' of Nandi (previously barred from attesting as squatters as a punishment for stock thefts by their Bororiet members) would be allowed to come out of the reserve as squatters if they stopped stock thefts.⁴⁰ In the meantime, Nandi from other Nandi locations became squatters and took the places of the Kapchepkendi who in the past had the monopoly of squatting on farms.

Labour shortages prevalent throughout the district during this period necessitated the service of the squatters. Farmers were increasing the number of squatters in their farms as a safeguard against scarcity of labour. Farmers in the North East and North West areas, these are, Hoey's Bridge, Soy, Kipkarren areas allowed each squatter to bring twenty head of cattle.⁴¹ Though squatters were by 1935 limited to ten head of cattle on renewal of contract, this led to labour shortages which made the administration to increase the number of cattle to 15 on renewal of contract⁴². But many farmers did not adhere to this. This was as a result of continued labour shortage throughout the

district necessitating the farmers to rely on squatter labour, and thus allowed each squatter to own twenty head of cattle.

During the early 1930s, when low cereal prices promoted a switch from plantation agriculture to mixed farming among the settlers in Uasin Gishu District⁴³, squatter stock had increased at a greater rate than Nandi reserve stock, while the reserve was devoting more land to maize cultivation.⁴⁴ It is clearly documented that during the inter-War period there was an expansion of commodity production in the African reserves⁴⁵. Under government encouragement, Africans increased the area under cultivation, responded to demonstration of better methods of production and in general benefited from the increased commercialization of their agricultural activities. This expanded African production created massive problems in the African reserves, including soil erosion and overstocking among others. The competition for land for both grazing and agriculture in the Nandi reserve during this period served to increase reliance on squatter cattle in farms. In 1938 for instance, squatter cattle were estimated to total over 100,000 with the majority being Nandi squatter stock.⁴⁶ Squatters during this time became more dependent on settler land making their position more vulnerable to administrative policies of control. The question of squatter stock on farms thus became a major problem.

The local district council of Uasin Gishu (in which Africans were not represented) was given powers to limit squatter cattle, control the number of squatters and to increase the number of days to be worked for a farmer to 270⁴⁷. This legislation was drafted as a Bill in 1937 and after some slight modification was passed but the approval of the secretary of states was withheld until late 1939⁴⁸. This served as the first real crackdown by the colonial government on squatter stock numbers in Uasin

Gishu District. With the co-operation of Farmers Associations and the District Council, action was being taken to reduce squatters and their stock from the late 1930s throughout the 1940s.

NOTES

1. The word 'Kaptich' meant literally "cattle place" and it was applied to a system of dividing cattle for purposes of herding them. Interview with Daniel Arap Sang 27/10/92. Eldoret.
2. Leys, N. Kenya (London, Frank Cass and Company Limited: 1973) p. 309
3. KNA, PC/RVP 6A/25/3, A note on the squatter problem by V.M. Fisher, Principal Inspector of Labour
4. Ibid
5. Ibid
6. Quoted in Leys, Kenya, p. 309.
7. Ibid P.310
8. KNA, C0533/206/3, "Resident Native Ordinance, 1919, Objects and reasons".
9. The leader of British East Africa. 19th August, 1919 leading Article, "The Native Squatters Bill".
10. Gerrit Groen, " The Afrikaners in Kenya" p. 153
11. This is "blue" from the colour of the official rubber stamp. "Til bulu" is to make a contract. "Kakobek bulu" is the contract having expired. Interview with Arap Chelekem, Moiben, 17/10/92.
12. Kanogo, Squatters and the Roots of Mau Mau, P.38.
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CHAPTER FIVE

CONFLICT OF INTEREST: NANDI SQUATTER WELFARE:1937-1954

5:0 The 1937 Resident Labourers Ordinance

During the 1920's it became clear that lack of supervision on squatter labour in the White Highlands was incompatible with the colonial government's economic and political policies. Consequently, the government began to implement measures to curb squatter autonomy. These measures destroyed any independence which the squatters might previously have enjoyed.

The period between 1937 and 1954 served as a landmark on the Nandi Squatter Welfare in the Uasin Gishu District. Anti-squatter feelings, which raged high among European administrators led to the introduction of stringent measures which were disruptive to the Nandi Squatter community. Thus the European administrators started to interfere with the Nandi squatter cattle economy. However, intra-white cleavages stifled the assault, at least until after the State of Emergency.

In 1932, the principal inspector of labour, Dr. V.M. Fisher, had argued that the 1925 Resident Native Labourers Ordinance was not effective and pointed out that there was doubt as to the benefit of the resident labour system¹. He suggested the repealing of the 1925 Resident Native Labourers Ordinance. This repeal came in 1937 but the secretary of state held up his consent until the late 1939. It went into effect in 1940².

The provisions of the 1937 Resident Native Labourers Ordinance were that:-

1. The native can be attested for a period of one to five years.

2. The ordinance gives power to district councils to limit the number of resident labourers and to control their cultivation and stock. All district councils in the colony have made orders in various forms and broadly speaking councils are continually attesting their orders in the direction of reducing the number of stock and the acreage of land allowed to resident labourers.

3. The ordinance forbids the residence by natives on farms unless they come under section 4 of the Ordinance. The classes of labour allowed to reside on farms are four in number:

- (a) The resident labourer, together with his wife and children, as detailed on his agreement;
- (b) An employee properly and continuously employed on the farm in a contract of service under the Employment of Servants Ordinance, the family of such an employee may under no circumstance cultivate more than half an acre and may not have any stock on the farm;
- (c) A pensioner who is too old or infirm to work and who has permission from the occupier to reside;
- (d) Any native who has permission in writing from the Occupier to reside and if the residence is for more than fourteen days, such permit must be endorsed by the District Commissioner.

4. No native, other than in the above four categories, can be legal resident, unless he had prescriptive rights³.

5:1 UASIN GISHU DISTRICT COUNCIL AND SQUATTER STOCK

With the administration of matters relating to the squatter community being passed from the central government to the settler controlled District councils, the Ordinance gave the European settlers power to limit the number of acres under squatter cultivation. to eliminate squatter stock and to

increase the number of working days from 180 to 270 days per year⁴. It also emphasized the view that squatters were not tenants and that their rights to remain in the White Highlands lasted only so long as they worked for a settler.

In Kenya, War-time circumstances specifically created conditions favourable to capitalist expansion. Settler agricultural production expanded rapidly. Some of the technical, commercial and marketing shortcomings which had made settler agriculture so inefficient and unproductive before 1940 were overcome. The government used the Anglo-American Land-Lease Agreement 'to increase her purchase of farm machinery, and mechanization of European farming begun in a serious fashion from 1941'⁵. Moreover the use of artificial fertilizers which had been restricted before 1939 by their high cost became commonplace. This was largely as a result of government subsidies which cut fertilizer prices to farmers. Storage facilities were expanded and improved with state assistance. Also government offered direct credits to farmers so that commercial and merchant banks ceased to be important in the financing of settler agriculture. For its part, the Land Bank lowered its interest rates and offered other attractive terms⁶. District committees and marketing associations also provided finance to settler farmers. Settler farmers moved into mixed farming on an unprecedented scale. There was great demand for meat by the military authorities. In 1941 the Agricultural Production and Settlement Board announced a guaranteed price for settler produced maize. This was brought to the forefront by the Increased Production of Crops Ordinance of 1942 which gave white farmers a guaranteed income.

In the Uasin Gishu District during the start of the Second World War, higher grain prices, especially wheat, widespread use of fertilizers and the purchase of modern farm machinery with liberal

credit from the government caused a surge in agricultural production. Mixed farming agriculture and pastoralism became economically attractive to many settlers because of better dipping methods and therefore opposition arose as to the presence of squatter stock⁷. In order to prevent the spread of disease in the new settler herds, this squatter stock had to be removed from the European farms. In the annual report of the district in 1939, it was reported that "there cannot be any doubt that the effect of the destocking measures has had a salutary effect in educating the district generally and particularly in the matter of control of natives, who over a period of years, were coming to regard the Uasin Gishu district as a portion of their own reserve"⁸.

The illusory wartime prosperity merely accentuated the severity of the colonial administrators' campaign against the squatters. The War itself highlighted divisions in the settler community. There were those who pressed for a limitation on squatter stock so that advantage could be taken of the released acreage for crop production. Others considered this as "past comprehension"⁹.

By September 1944, all the District council's Chairmen in the country had agreed that squatter livestock should be eliminated from the White Highlands area immediately¹⁰. However, when the Uasin Gishu District Council proposed a total prohibition of squatter stock in 1944, there was a considerable conflict of interest among the settlers that it was suggested a plebiscite be held on the subject¹¹. The fear of losing labour during an unprecedented production drive was uppermost in the settlers minds: prohibition of squatter stock would amount to economic suicide. The effect of the District Councils order to reduce squatter stock to ten head per resident labourer was also counteracted to some extent by the sons of Nandi squatters being allowed to take over part of their fathers' stock¹².

In April 1944, the District Commissioner, Mr. K.G. Lindsay, had a meeting at Eldoret with fifty representatives of Nandi squatter elders¹³. The meeting was held at the request of Nandi Squatters who complained about their cattle being depleted as a result of the Uasin Gishu District council orders. They complained of being harshly dealt with by the District council in respect of their order to reduce squatter stock at that particular time. Attempts to enforce the new order led to mass exodus of Nandi squatters to the Nandi reserve. At a meeting of the Uasin Gishu District production and manpower committee of 1944, it was stated that there was some movement amongst Nandi squatters, which the settlers had never before experienced¹⁴. Nandi squatter families who had been resident on farms since 1910 were leaving and returning to their Nandi reserve in large numbers. The Nandi squatters complained that the European farmer was no longer the friend of the African and that there was going to be trouble in the farms¹⁵. Those who remained in the farms reacted simply by refusing to attest, moved from one farm to another, or went into some other African reserve in the country. Since Nandi reserve at that time was overstocked, most of the fleeing Nandi squatters from the Uasin Gishu moved to Pokot, Maasai, and Elgon-Sebei reserves. Others went as far as Tanganyika and Uganda¹⁶.

The period of the year fixed by the Uasin Gishu district council for the removal of Nandi squatter excess cattle was from 15th, May to 15th September 1944. This is, a period of four months. But the council was informed that during that period only 12000 cattle were moved to Nandi and during the same period 6000 head of cattle were moved from Nandi to Uasin Gishu district by squatters¹⁷. The reasons given as to why only a small number of cattle were returned to Nandi reserve was that many settlers took no action to reduce their squatter stock since they feared losing their only source of labour, that is, Nandi squatters. The total number of Nandi resident labourers in 1945 was

22,979 and out of this number, 16,723 were in Uasin Gishu District.¹⁸ On the 15th of September 1944, the Nandi District Commissioner requested the Eldoret Veterinary Officer not to issue any further passes for the removal of resident labourers stock to the Nandi reserve. Cattle transfers to Nandi reserve would result in a grave overstocking position which was certain to lead to great discontent among the Nandi. Mr.F.W.Covendish Bentinck, the Minister of Agriculture, in a letter written to labour commissioner Hyde-Clarke in 1945, advised that the enforcement of the Uasin Gishu district order be suspended.

The expansion of settler agriculture gathered added momentum after 1945, which was in part, a response to favourable marketing conditions in a post-War World hungry for food and raw materials. Existing estates and plantations were able to expand and, in addition, after the War there was an influx of new settlers, mostly British ex-servicemen, for whom large tracts of land had to be found. In 1946 the European Agricultural Settlement Board was established and charged with running European settlement schemes. The board bought all the remaining Crown Land and any uncultivated land that the existing settlers cared to sell, and distributed it to the new arrivals.

Increased European settlement simply meant that many African squatters lost the use of land they had previously occupied for grazing and cultivation purposes. It was in fact the premise of the Settlement Schemes Committee that 'any talk of close (European) settlement is farcical unless the (squatter) system is abolished and abolished quickly'¹⁹. So conditions for squatters worsened. Stock reduction went hand in hand with measures to reduce land given to squatters for cultivation and grazing purposes.

A renewal of the assault of Nandi squatter stock in Uasin Gishu began in 1947. In that year the Uasin Gishu District Council passed an order for the complete elimination of squatter cattle within a period of five years.²⁰ These measures were not only harsh in themselves, but they were often enforced with calculated cruelty. Sometimes squatters were evicted before they had harvested their crops. Forced seizure of squatter stock became common. Aged squatters were removed from land on which they had lived all their lives and were supposed to return 'home' to the reserves they had never seen. This was met with much resistance from both the farmers, Nandi squatters and labour department officials. In a series of meetings held by the Uasin Gishu District Commissioner to explain to the Nandi resident labourers the implication of the Uasin Gishu District Council order, the Nandi squatters expressed fears that this was a punishment intended to deplete their cattle. The squatters complained that "We went forth to fight the foe and this is the treatment we receive on our return".²¹ Some of the Nandi squatters asked for more land to be added to the Nandi reserve to accommodate the affected cattle.

Some of the more liberal minded farmers in the Uasin Gishu were unhappy at the state of affairs affecting their Nandi squatters. Some farmers reacted to the district council orders by hiding the Nandi squatters stock among their stock. They placed their brand on such cattle.²² Soy Farmers Association opposed the application of the rules of the Uasin Gishu district council.

The abolition of Nandi squatter stock in Uasin Gishu became a matter of discussion among the various European administrators. The Rift Valley Provincial Commissioner Mr. Dave Morgan in a letter addressed to Mr. F.W. Cavendish Bentinck stated that "certain responsible opinion in the District is coming round to the view that some modification of the rules will become inevitable".²³

In addressing the issue, the Nandi District Commissioner, Mr. J.K.R. Thorp in July 1947 stated that "the political repercussions of the council order were likely to be immense. The Nandi, after 30 years living on the Uasin Gishu farms, with the consent (and indeed the encouragement) of the European settlers, considered having rights there".²⁴ The District Commissioner stated that in certain areas of the district they considered the land entirely theirs, except that they had been obliged to share with the European occupiers. The District Commissioner suggested that, a grant of land to the Nandi was the only thing which could ease the matter.

On September 25th 1947, the attesting officer, in Eldoret, under the Resident Labourers Ordinance, Mr.H.C.Potter, wanted to resign because of the reduction of Nandi squatter stock issue in Uasin Gishu District. His reasons for resignation was that he did not wish to be identified with the enforcement of the Uasin Gishu council rules for the elimination of squatter stock on the plateau until such a time as the Nandi tribe had been compensated for the filching of hundred square miles of Nandi land in 1919.²⁵

On May 21st 1948, Mr.J.H.Lewis of the African settlement Board, Nairobi, was sent to Uasin Gishu district to get first hand Information of the reduction of squatter stock issue.²⁶ Lewis considered that to solve the problem the Forest Department break away from the district council rules and instead of having Kikuyu squatters with sheep in the forests, the Nandi squatters with cattle could be employed. He suggested that the government should obtain a piece of land in the Kaimosi area for Nandi squatter settlement purposes. The Labour Commissioner Mr. Hyde-Clark supported the proposals of betterment' farms and that the Kaimosi area was to be obtained for the purpose of Nandi squatter settlement.²⁷ The elimination of the Nandi resident labour stock was to be gradual and

resident labourers were, to suit their economies of agriculture, to be allowed to keep some cattle as part of their contractual conditions.

Wage rates for resident labourers in the Uasin Gishu were low and some increases was to take place to compensate for stock reductions. The Labour Advisory Board, which was consulted on this matter recommended the following terms:

"No attesting officers in the Uasin Gishu shall attest any contract involving a reduction in the resident labourer's cattle where the basic wage is more than Sh.2/= below the current market rates for ticket casual labour".²⁸

The Uasin Gishu District Commissioner, in order to dispose off the displaced squatter stock, arranged the sale of Nandi resident labourers cattle in Uasin Gishu. He held four meetings with the Nandi squatters at Burnt Forest, Sergoit, Soy, Turbo and at Eldoret on August 1948. The representatives of Nandi resident labourers conferred, during these meetings, with members of the Nandi local native council from Kapsabet. The Nandi squatters did not wish to sell their cattle in the Uasin Gishu district and agreed to take all their cattle back to Nandi reserve. They complained of having been called by the Europeans from their reserve together with their cattle to help the Europeans develop his farm and many Nandi had been born and lived on farms and knew no other birth place.²⁹ It was quite useless pointing out to the Nandi squatters that they could still remain as squatters but without cattle. The Nandi were inseparable from their cattle and existence without cattle was unthinkable.

After the War, the high prices ruling continued to give a favourable impetus to agricultural production. Kenya emerged from the war with its economy strengthened and a great deal of

knowledge on how to organize production. The war brought to Kenya many Europeans. A new group of farming settlers arrived, occupied, and received assistance from the government. The European agricultural settlement Board was set up with government funds and assisted new farming immigrants, while many, with capital, came of their own accord.

Within the colonial state there were wrangling over how squatting should be transformed and which department should be responsible for enforcing the transformation. The labour Department's view is best exemplified by the Acting Commissioner of Labour Mr. Wyn Harris' 1946 report 'A Discussion of the problem of the Squatter'.³⁰ In this paper Mr. Harris discussed the idea of converting the squatter into a migrant labourer because of overpopulation in the reserves, but he also inveighed against the settler idea of making their squatters 'cottage labourers', where the labourer resides on the farm, has very little land and no stock, and is virtually totally dependent on a cash wage. The commissioner considered this unreasonable because those wages would be insufficient to support the squatter family. He argued that social security would be too expensive and there would be little leeway allowed to resident labourers to escape a pernicious contract. In essence, the ideal advanced by the local District Councils did not afford enough security for the African; Wyn Harris' objective was to go slowly, and to allow the labourers cultivate more land and have some security of tenure:

"We are trying to produce a stabilized labourer residing with his family on the farm, who regard his labour as his main means of livelihood, but whose efficiency, and, indeed, the general economy of the country makes it impossible to pay the wage we know to be necessary for this reasonable standard of living. He must, therefore, be allowed some interest in the land on which he works. That land also must be, for the most part, his security in old age and in disability. We have, therefore, got to give him some security of tenure and at the same time guard against his abuse of that security. We must pay him the highest cash wage we can afford and land must carry the balance. On the land side, the question boils down to tenure and control".³¹

Wyn Harris attacked the District Councils policy of reducing squatter stock and acreage with 'no corresponding increase in the wages paid'.³²

The European farmers' concern over the elimination of Nandi squatter labour was warranted. The Uasin Gishu District Commissioner noted in 1949 that the amount of indebtedness among plateau farmers had risen substantially that year because of the purchase of machinery. Many farmers were operating on a very narrow margin.³³ In January, 1949, a meeting was held in this district to discuss a petition asking for the removal of the Sergoit Ward from the new regulations on resident labourers. 'At the end of the meeting 44 farmers voted for the petition and about 24 against'.³⁴

There was a very divided settler opinion concerning the elimination of Nandi squatter stock in the Uasin Gishu District. one section was in favour of the pursuance of the councils elimination ordinance and that was the Turbo-Kipkarren farmers Association. Two wards, Soy-Hoey's Bridge Farmers Association and Sergoit Moiben ward, were divided with a bias in favour of the retention of resident labourers with stock, whilst the fourth, the southern Uasin Gishu Farmers Association was uncertain. The farmers relied mainly on resident labourers and it was unlikely that they would be able to get sufficient labour in the event of elimination of Nandi resident labourers with stock. New settlers in Southern Uasin Gishu found it difficult to get the men they required for development programmes. The main points put forward by the opposers of the "elimination order" was that resident labourers formed their established and reliable labour force.³⁵

The political aspect of the issue was the most powerful weapon of the strong supporters of the "Elimination order". They felt that to rescind or amend the order meant a political victory for Nandi

squatters and a "means to the end" of expelling the European from the white Highlands. Kenya African Union's (K.A.U) President, Jomo Kenyatta, is reputed to have made a speech in the Uasin Gishu in 1949, in which he told the Nandi that the Uasin Gishu belonged to them and would be returned to them.³⁶ It was desired to make Uasin Gishu a 'clean' district for the livestock industry, which led to "How can you have a "clean" farm with African owned cattle there in?"³⁷ they argued. From the Nandi squatter point of view, the fact that it was not so long ago that certain areas of their reserve were alienated, the elimination order gave rise to a feeling that, whereas their stock were being forcibly removed from the European farms, the Europeans were pouring stock on to their farms. Many Nandi resident labourers were born in the Uasin Gishu and had no other home and thus would not be particularly welcomed back to the reserve.

The veterinary officer, Eldoret, Mr. P.T. Preston in January 1949 stated that "The return of squatter owned stock to the reserves and the development of the livestock industry in the Uasin Gishu without the return of the squatter stock to the reserve, are at present seeming incompatible. The Nandi reserve at present is heavily overstocked and rightly should not be made to absorb one more animal. Whilst the present large numbers of uncontrolled squatter stock are at large in the Uasin Gishu, they constitute a menace to the proper development of the livestock industry. Thus a deadlock is reached".³⁸ Mr. Preston suggested that strict and continuous limitation of the numbers of squatter stock on farms was to be faced, and the surplus stock were to be sold and not returned to the reserve.

It was in response to the administrations overtures that the Uasin Gishu District Council passed an amending order to its resident labour rules in 1949, and extended the grace period for stock elimination to three years. This was specifically "in order to meet the government in the matter".³⁹

The Uasin Gishu squatters started a new body in 1949, called the Nandi, Elgeyo and Kipsigis Union.

The destocking of the squatters stock was its main interest, these tribes being chiefly affected.

In some ways the reduction of resident labourers cattle increased the contact between Nandi resident labours in Uasin Gishu and the Nandi reserve. But many resident labourers had been on the farms for so long that they found they were not welcomed by the tribal authorities when they tried to take their cattle into the reserve where grazing land was already very limited. This forced many of ex-resident labourers to go to Tanzania and Uganda to search for areas to graze their cattle.⁴⁰ Others consulted the last Nandi Orkoiyor⁴¹, Barserion Arap Manyei, to provide a solution to their problem. Barserion told them of a large tract of empty and fertile land on the Laikipia Plateau, and a series of secret expeditions were organised to search this "promised land". In February of 1951, the Orkoiyor led a large group of Nandi ex-squatters together with their livestock to the Laikipia Plateau. Those who remained back in Uasin Gishu had to comply with the council orders but many of them moved to unoccupied farms in the district. Large numbers of Nandi squatter stock were being held illegally in all the forest areas of the district, particularly Tindiret forest.⁴² It was reported in October 1950 that it had become difficult to remove the squatter stock from the Lessos area as the area was heavily forested. The Nandi squatters in this area, mostly the Kapchepkendi 'Bororiet' were not at all reconciled to the reduction of their excess stock and made every effort to evade being caught.⁴³

The new Uasin Gishu district council order for the progressive reduction of resident labourers stock on farms which was aimed at total elimination by end of 1954 became law in December 1950. This led to considerable resentment among a certain section of farmers. The reduction of resident labourers stock was creating a severe labour shortage. In May 1950, a well attended meeting of

farmers in the Soy area passed a resolution for retention of "Key-men" and equal treatment for all farmers.⁴⁴

Key-men were Nandi-squatters with long-service and those who had served as headmen in European farms. As a result of the growing opinion among a proportion of farmers in certain wards that provision must be made for the retention of "key-men" by allowing them to keep an agreed number of stock, a meeting of the District council was held on March 19th, 1951.⁴⁵ At this meeting, the following resolutions were passed:

- (1) The council resolved that permission should be given for the retention on any farm in the Uasin Gishu for a maximum number of 40 head of resident labourers cattle until the final year of the operation of council order of 1950.
- (2) That before the end of 1954 council will take action to provide that cottage labourers will be permitted to keep a certain number of stock subject to conditions to be decided upon.

There was also considerable conflict, particularly among the wheat farmers in the centre of the district, who were in favour of the retention of a much greater number of resident labourers stock than that proposed by the Uasin Gishu District council.

In August 1950 the District councils were given full responsibility for executing anti-squatting legislation. The District Commissioners were given an additional title of "officers-in-charge of squatter stock reduction" from the beginning of 1951, to oversee operations, while the Labour Department was to remove the squatter stock.⁴⁶ Up until the middle of 1952 reduction of Nandi

squatter stock was proceeding more or less according to the council orders, but the reduction deteriorated from the middle of 1952.

The reason given was that the six Labour Inspectors working at the Uasin Gishu District Council in 1949 were reduced to one, and this remaining one was responsible for Trans-Nzoia District too.⁴⁷ The manpower shortage was due in part to the State of Emergency which had been declared in 1952. By June 1953, the District Commissioner of Uasin Gishu District reported that they were rapidly losing all ground gained in 1950 in reducing squatter stock. The reason was that quarantines had prevented the movement of squatter stock, and the Resident Labour Inspectors had been transferred elsewhere as they would do nothing in face of quarantine. The Provincial Commissioner of Rift Valley Province, Mr. R.E. Wainwright stated that:

"since then, with the quarantine restrictions and lack of resident labour inspectors, it can be said that the district is right back to the position in 1949 in fact worse since the Nandi had lost further respect for the government intentions and laws"⁴⁸.

The Uasin Gishu District council order of 1951 (under the Resident Native Labourers Ordinance) received approval in December 1952. Under it 40 heads of cattle were to be retained by squatters on a farm subject to the following conditions:

- (a) Adequate grazing and development of land;
- (b) All cattle to be kept within ring fence;
- (c) All cattle to be dipped regularly;
- (d) No individual resident labourer to have more than five head of cattle;
- (e) No bulls to be kept by resident labourers, the onus being on the employer to provide the services of suitable bulls.⁴⁹

The Nandi resident labourers took advantage of the shortage of European labour inspectors. As a result there was a considerable increase in the number of Nandi resident labourers excess and illegal stock in the Uasin Gishu district. In May 1954 the Labour Department in the District enforced the new council order and large numbers of excess squatter stock were removed to the Nandi reserve. This sparked off a large movement of Nandi squatters to other reserves following suit of their predecessors who had moved in 1944 to Pokot, Maasai and Elgon-Maasai reserves. Others went as far as Uganda and Tanganyika. Many of the squatters also moved to forest areas where little supervision was undertaken by the district council⁵⁰.

In 1954, members of the Uasin Gishu District Council who supported the total elimination of squatter stock, were boosted by a member of the council, Mr. Rex Kirk and his "let's face it" committee.⁵¹ These "let's face it" committee members believed that the only possible policy for the development of livestock industry on a sound basis in Uasin Gishu was the total abolition of Nandi squatter stock. The Agricultural Production Board had advised them that unless Foot and Mouth Disease, spread by squatter stock, were controlled in the district, there was to be a reduction of rehabilitation loans which were being offered to farmers to purchase stock with a view to establish sound mixed farming as opposed to monoculture, which had hitherto been so widely practised in Uasin Gishu⁵².

A farmers meeting in Turbo club in July 1954 demanded total abolition of Nandi squatter stock in that area. The Kipkabus Farmers Association followed suit by demanding total elimination of squatter stock. In this year, many of the remaining Nandi squatter moved out of the Uasin Gishu to various areas where the ex-Nandi squatters had gone. Those who opted to remain in farms had their

stock sold in large numbers by the Uasin Gishu District council officials. One Nandi councillor, Chief Arap Titi, remarked in 1954 that "the return of squatter stock to the reserve had been talked about for many years but little even seemed to happen after all this discussion, that was the first year that stock seemed to be returning in any number"⁵³.

But from 1954 onwards, option of squatters returning to the reserve was being closed off as a result of the impact of the Swynnerton plan. This plan, or "plan to intensify the Development of African Agriculture in Kenya" was revolutionary in the lives of Africans in Kenya, the Nandi included. The Swynnerton plan drastically changed the land tenure practised by the Nandi people. The 'Akwo't' and 'Kaptich' Lands, among the Nandi were in the past owned communally. The land thus belonged to the 'Bororiet' members as a whole and not owned individually. But with the privatization of land among the Nandi in the reserve, the Nandi squatters in Uasin Gishu became landless. The plan blocked their access to the Nandi reserve since land was no more the tribal land unit but had become individual properties.

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27. KNA Lab 9/1071 - From Labour Commissioner Hyde-clark to the Chairman of Ad Hoc committee on Resident labour.
28. Ibid
29. KNA DC/NDI/5/2 - Sale of Resident labourers cattle.
30. This was divided into part I Factual Review, and Part II An approach to the solution, both in the file "European settlers, squatters", KNA CO533/549/4.

31. Ibid
32. Ibid part I p.5.
33. KNA DC/VG/1/2 - Uasin Gishu District Annual Report 1949.
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35. KNA Lab 5/35 - Resident labour problem. From labour officer Eldoret to Hon. Labour Commissioner Nairobi 25th Feb. 1949.
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INDEPENDENCE BARGAIN AND NANDI SQUATTERS: 1955-1963.

6:0 MAU MAU AND ITS AFTERMATH

The events which led to the declaration of a state of Emergency in Kenya were a landmark in the country's history. Sections of the people, especially in Central Province, were getting impatient with the constitutionalist and gradualist steps being taken to redress African grievances against colonialism. Mau Mau was, as Tamarkin, M., in "Mau Mau in Nakuru" (1977) puts it, "largely the response of the landless Kikuyu in the Kenya Reserves, the disinherited Kikuyu squatters in the White Highlands, and the Kikuyu urban lumpenproletariat"¹. Therefore they resorted to oathing in preparation for a violent onslaught.

As the movement spread to the White Highlands, the settlers pressurised the government for more deterrent action against Mau Mau. To a large extent, this settler pressure was responsible for the declaration of the State of Emergency. On 20th October, 1952, the Governor, Sir Evelyn Baring, signed the Emergency Proclamation². Jomo Kenyatta, Paul Ngei, Ramogi Achieng' Oneko, Bildad Kaggia, Fred Kubai and Kungu Karumba were arrested and charged, convicted and sentenced for managing Mau Mau. Kenya African Union (K.A.U.) was banned. Heavy military operations were launched by the government to root out the movement.

In the White Highlands, frightened European farmers began to expel their Kikuyu squatter labourers, a process accelerated by the screening of all the Kikuyu, Embu and Meru³. In Uasin Gishu

District, farmers voiced strong request to the government for the removal of all Kikuyu from the District associated with Mau Mau. As a result, there was a large exodus of Kikuyu labourers in the District⁴.

Mau Mau movement, however, found little sympathy with other Kenyan tribes. This was because of intense government propaganda which aimed at discrediting the movement as a Kikuyu affair. Among the Kalenjin, the government established a special department of information at Nakuru for the whole of Rift Valley Province⁵. This department prepared news and comments for broadcast for Kalenjin people. These broadcasts were strongly anti-Kikuyu in tone and were designed to discourage association with that tribe. Among the Nandi, they became anti-Mau Mau because they were reportedly disgusted with the cattle slashing outrages by the Kikuyu squatters in the settled areas. Hence they used that as an excuse for harassing Kikuyu squatters in the farms by breaking into their huts and stealing their produce⁶.

Mau Mau was a traumatic experience for the British colonial officials. The rebellion was a decisive blow to the whole process of colonial policy towards the Africans. Whereas before there had never been a policy on socio-economic and political progress of Africans, colonial administrators were now having to restructure their administration so as to ensure that an experience such as Mau Mau did not take place again⁷. By 1955, the government allowed African political activities throughout the country.

The new economic policy entailed integrating Africans in the colonial economic system. A series of reform documents were produced with the aim of increasing African socio-economic

opportunity. These documents included the Report of the East African Royal Commission of 1953, which called among other things, the deracialisation of the White Highlands, increased educational facilities for Africans in order to take up administrative and managerial positions in the government. There was also the Swynnerton plan of 1954 which recommended consolidation and registration of African land for better management⁸.

6:1 THE SWYNNERTON PLAN AND THE NANDI SOUATTERS

The Swynnerton plan was a direct response to the Emergency. The policy of maintaining the reserves as providers of subsistence foodstuffs for low-paid wage-workers' families had overreached itself, and so steps were taken to make the reserves produce wealth for their increasing populations, and to avoid the conditions which gave rise to the Emergency. The plan involved consolidating land fragments into single holdings and issuing registered freehold titles to individuals. The larger leaseholders would then be able to borrow from the commercial banks, or from the government, on the security of their titles. The implications were that able, energetic or rich Africans would be able to acquire more land while bad or poor farmers would get less, thereby creating a landed and a landless classes⁹.

In september 1953 the government instructed Mr. R.J.M. Swynnerton, an Assistant Director of Agriculture, to draw up a plan to intensify the development of African Agriculture in Kenya¹⁰. The plan was done within two months and with financial assistance coming from Britain, the plan was launched in 1954. The Swynnerton plan had effect on the social structure of the various societies in

Kenya as the new principle of individual land-ownership cut across tribal traditions. The tribe could no longer shoulder its responsibility for finding land for its members.

African societies found themselves more sharply divided and bewildered as there developed landed and landless classes. The landed included the progressive farmer who had fully adopted to 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 began to look to independence to solve their problems and to an African government under which they would find new land for subsistence on the settled areas. They transferred the land-finding function of the tribe to an independent African government¹¹.

From the mid-1950's onwards, the option of Nandi squatter families return to the Nandi reserve was being closed off because of the impact of the Swynnerton plan. From the economic point of view, the time was ripe for the assault on the Nandi squatters in the Uasin Gishu district. Overstocking in Nandi reserve was also reaching crisis making the option of return impossible. As the Provincial Commissioner noted in 1954: "The present (Nandi) is very full indeed, except for small areas in the south which are afforested but not forest reserve. Most of the squatters, however, come from the overcrowded north of the reserve where most of the land is already divided into individual holdings"¹².

Coincident with the filling up of the reserve was the closer settlement of the European White Highlands, with Uasin Gishu being the main recipient of the post-war European immigrants. Over 40 per cent of the Uasin Gishu farmers availed themselves of rehabilitation loans provided by government specifically for stock purposes¹³. From the European point of view, certain sections of the community

wanted to eliminate all squatter stock completely. This feeling was growing particularly when the European Agricultural Settlement Board informed the District Council that it was disinclined to approve further rehabilitation loans for the purchase of cattle and the establishment of mixed farming until such a time as squatter stock were removed from the district.

The Uasin Gishu plateau had conditions that had existed in Central Province in the inter-war years, when labour relations decidedly "hardened", because of capitalist development in favour of the settlers¹⁴. The settler policy towards squatters was directly related to their political and economic interests. Changes in these settler interests led to changes in the basic conditions of the squatters"¹⁵. It was in the settlers economic interests to rid themselves of labour tenants, and replace them with monthly ticket labourers, in the age of mature agrarian capitalism.

The policy of the Uasin Gishu District Council, in regard to the number of squatter stock to be permitted on any farm, was to reduce by 1/5 each year from the 1st of March 1947. This was to continue until after 31st December 1950, when no further contract providing for resident labourers stock was to be permitted. Owing to opposition on the part of the farmers, the council decided to extend the dateline to 31st December 1953. Events, however, proved that the strict implementation of that policy would have brought problems of both economic and political nature. Farmers encountered labour shortages in the district when so many Nandi squatters left with their stock. It was accordingly agreed that a maximum number of 40 head of cattle could be retained by the resident labourers until 31st December 1953. But the council was to take action before the end of 1954 to prevent the resident labourers keeping more than the above stated number of stock¹⁶.

Accordingly, a new Resident Labour Order of 20th November 1953 was passed. This limited the number of resident labourers stock on any farm to 40, and compelled them to keep their stock in a fenced enclosure, it prohibited the keeping of bulls and reduced the maximum number of stock permitted to any resident labourer to 5 head of cattle. This, however, was not enforced due to shortages of resident labour inspectorate in Uasin Gishu District during the Emergency¹⁷.

In September 1954, both the Turbo-Kipkarren and the South Uasin Gishu(Kipkabus) Farmers Associations passed resolutions that the Uasin Gishu district council should amend their rules to permit local options for total squatter stock elimination¹⁸. This sparked off unrest among the squatters. A series of meetings took place between the squatters and their Nandi counterparts in the reserve with a view of solving the impending problem. Most of the squatters left the plateau with their stock to join Nandi squatter families who had left the plateau earlier to other reserves in the country. Large number of stock were also taken and kept illegally in the forest areas of the district by the squatters. Those who remained in the district collected money among the squatters to hire an advocate who would approach the government, on their behalf, so as to get advice as to how to get land¹⁹. They also wanted an assurance from the government that no further reduction of their stock would take place in the future²⁰.

6:2 NANDI LEADERS RESPONSE TO ELIMINATION OF SQUATTER STOCK

The farmers move sparked resistance from Nandi leaders in the reserve. Councillor Paulo Arap Boit complained that the settlers, who were now asking for the removal of squatter stock, had often in the past assisted their own squatters in breaking the regulations governing squatter stock. "Many

had allowed their squatters to keep more stock than they were allowed and had, when inspectors came, hidden them in their own herds²¹". This had resulted, according to him, to a large number of squatter stock and there was no room for them in the reserve. A wholesale return of all squatter stock would cause disastrous overstocking, and a great friction between the landholders in the reserve and the returning squatters. He appealed to the government to assist in solving this problem.

Several other councillors in the reserve complained that the return of squatter stock must be handled carefully or great trouble would be caused. They were in favour of squatters returning if land was found for them. The reserve was already overstocked and most of the land taken up²². The squatter stock issue necessitated the government to intervene and state its policy with regard to total elimination of squatter stock as advocated by the Uasin Gishu farmers. On 22nd September 1954, the Provincial Commissioner, Rift Valley, told the Uasin Gishu district council that: "While the government approves, in principle, the eventual elimination of squatter stock in their area, but owing to the Emergency, and the inherent dangers of upsetting the Nandi, a tribe who produces a large proportion of the security forces, no amendment of the existing rules will be approved for a period of two years. As a quid pro quo, the government is prepared to consider the acquisition of the remaining Kaimosi farm. The bulk of the squatter stock should be sold and the proceeds devoted to the purchase of the farms. In return for this, the squatters would have first claim upon this land"²³.

6:3 DISTRICT COUNCIL AND SQUATTER STOCK

There was considerable discussion on the increasingly complex problem of squatter stock elimination. The Nandi squatter excess stock to be removed in the district was estimated at 60,000

heads²⁴. The Nandi reserve could not be expected to absorb 60,000 head of cattle at a time when overstocking had become a chronic problem. At a meeting held at the District Commissioners office in 1954, the District Council decided the ideal solution would be to buy land to be added to the Nandi reserve, preferably in the Kipkaren salient. This would be availed mainly to deserving Nandi squatters as soon as they had moved their stock from Uasin Gishu district. The District Council saw that to be the ideal solution by basing on the ground that the Nandi:

- (a) had remained loyal to the government throughout the course of the emergency;
- (b) had given assistance in personnel to the security forces;
- (c) had gone about the voicing of their land claims and complaints in an orthodox and peaceful manner;
- (d) had made in the past a very great contribution to the development of Uasin Gishu district by working as squatters on farms and;
- (e) as a compensation for having to remove their stock, the presence of which was incompatible with the good farming methods which the European farmers were now attempting to introduce for the proper development of their land²⁵.

Periodical sales or auctions in the district were also considered to dispose off the squatter excess stock in order to avoid its return to the already overstocked Nandi reserve.

On 29th November 1954, the Uasin Gishu District Council passed a resolution of intention to amend its rules to bring about the total elimination of squatter stock within six months of the termination of Emergency or not later than 31st December 1956²⁶. In 1955, Nandi was being divided into small holdings with "rapid progress"²⁷. This had political significance in the Uasin Gishu district

because of the presence of Nandi squatter families. In August and September 1955, joint meetings were held by the District Commissioner Kapsabet, the president of the Nandi African District Council, Chief Elijah Arap Chepkwony, and the District Commissioner Uasin Gishu throughout the whole of Uasin Gishu district explaining to the squatters the position in the Nandi reserve concerning the enclosure of small holdings. Large numbers of squatter stock moved out of the Uasin Gishu District. Most of these stock were taken by the squatters to other African reserves in pursuit of their predecessors. Others moved to the forested areas of the district. The Uasin Gishu District Commissioner stated in 1954 that there was an estimated excess of 60,000 squatter stock in the district plus 20,000 legally remaining on farms. "Of the removed stock, few had gone to Nandi and it was not clear where they were. In fact they were floating around somewhere"²⁸. The Labour Officer, Eldoret, felt that a lot of them might have been taken into the forest areas of the district²⁹. The actions taken by Nandi squatters in moving their stock to the forest areas and to other reserves was a sign of protest. They experienced a feeling of insecurity because of the possibility of total elimination of their stock by the farmers and also as a result of the small holding enclosures which were going on in their reserve. In fact, the administrators were disturbed by the insecurity existing among the Nandi squatters. On 7 October 1955, the District Commissioner, Nandi, said that there was a possibility of the last Nandi Orkoiyot, Barserion Arap Manyei, making political capital on the elimination of Nandi squatter stock in the Uasin Gishu³⁰. But evidence points out that he did not.

In 1956, Nandi District Council legislation on enclosures, destocking and branding, closed the border and cut off the Nandi squatters in Uasin Gishu. Those Nandi squatter families who had moved to the reserve with a view of obtaining a small holding were disappointed since most of them were not allocated any holding³¹. This was probably because the Reserve was over populated. As a result of the

closing of the Nandi reserve to the squatters, most of them took to illegal squatting in the forest areas. Others returned to the farms with the intention of remaining there. This was in order for one to secure a small plot from the farms.³² Disappointed and frustrated with the results of their efforts of securing a plot in the Nandi reserve, most of the squatter families, who had been in the Uasin Gishu plateau farms as long as 1910, left the plateau and went to the places where their predecessors had gone in 1944.³³

Many of the Nandi squatters were frustrated much since, they felt that, while the border of the Nandi reserve had been closed off then, the Uasin Gishu District Council were continuing depleting their sole economy of cattle. This caused a lot of unrest among them and the government was forced to intervene. The Provincial Commissioner, Rift Valley addressed a meeting of the Uasin Gishu District Council on 30th July 1956, explaining in detail why the government felt that the time was inopportune to introduce legislation to bring about the compulsory total elimination of squatter stock.³⁴ Thus the Uasin Gishu District Council was stopped, but the Council decided to enforce strictly the existing rules.

The District Commissioner, Uasin Gishu, in 1956 reported that:

"On the whole Nandi on the farms accept the fact that the door to the reserve is now closed in so far as moving cattle is concerned. The enclosure of small holdings in the reserve is making it more and more impossible for cattle to be switched and the local tribal authorities of the reserve are resisting movement of cattle from the settled areas into the reserve and more and more taking action against the persons concerned".³⁵

The decision by the Uasin Gishu District Council for the strict enforcement of the 1953 Resident Native Labourers Ordinance, led to a determined drive to rid the district of excess Nandi squatter stock. Between March 26th and 11th May 1957, the Uasin Gishu District Commissioner held

24 meetings to explain the unsatisfactory position taken by the District Council officials.³⁶ Excess squatter stock could no longer be tolerated in the Uasin Gishu District. Those with excess or illegal stock were given time to declare their holdings. Regular auction sales were held every month and by the end of 1957, a total of 16,105 cattle and 12,030 sheep of Nandi excess squatter stock had been sold by auction³⁷.

As a result of the determined move by the Uasin Gishu District Council for the virtual elimination of Nandi excess squatter stock, a considerable number of stock was moved by Nandi squatters out of the farms illegally to avoid disposal by sale or confiscation. Most of the stock were taken to forested areas of the district where the council officials could not easily reach them³⁸. The move resulted in some unrest among the Nandi squatter families in the district.

The move taken by the District Council officials also coincided with the return of the Kikuyu squatter families to the district in considerable numbers. These Kikuyu squatters had been expelled from the Uasin Gishu district in 1953 as a result of the State of Emergency. They had been linked with Mau Mau activities. The return of these squatters caused some unrest amongst the Nandi squatters on the farms. The Nandi likened the return of the Kikuyu to the destocking of cattle by the Uasin Gishu District Council officials. This was because the Nandi thought the harassment of their stock was a way of chasing them and replaced by Kikuyu labourers who had no stock.

Not all the white farmers in the district supported the move by the district council to eliminate all excess Nandi squatter stock. Most of them did not cooperate with the council officials and tried to hide most of the excess Nandi stock among their cattle.³⁹ Since a number of these white farmers were

prosecuted by the council officials, their cooperation with the Nandi squatters concerning excess squatter stock did not go very far. The great majority of illegal Nandi squatter stock were removed from the district during 1957. 1958 saw the continuation of pressure to ensure that the natural increase of squatter stock were taken off from the District. Most of the Nandi squatter families took to illegal squatting in the Lessos area of the district which was difficult for labour department officials to get rid of squatters because it was a forest.⁴⁰

In 1958, a referendum, covering the whole of the Turbo-Kipkarren, concerning the total elimination of all Nandi squatter stock was carried out among the white farmers.⁴¹ The referendum results favoured the total elimination of squatter stock. Referendams were also carried out among the Soy-Turbo and Moiben white farmers. The results also favoured total elimination of squatter stock. Farmers wanted local option orders for the total elimination of squatter stock. At a meeting of the Uasin Gishu county council held on 2nd July 1958, a resolution was proposed for making an order to amend the Resident Native Labourers (Uasin Gishu District Council order of 1953) Ordinance.⁴² The resolution provided that from 1st January 1959, no resident labourers with stock were to be permitted to remain in the Turbo-Kipkarren ward of the Uasin Gishu county.

Illegal squatting was extant among the Nandi squatter families in the Uasin Gishu district in the late 1950's and 1960's, well into independence. In 1959, the Uasin Gishu District Commissioner reported that "the squatter stock problem and the grazing of illegal stock is still much in evidence in spite of intensive activity by the labour department and the police"⁴³. In Lessos area, there were large numbers of stock being grazed illegally by squatters. This was because the owners of the farms did not exercise maximum supervision against the Nandi squatter stock. The adjacent forest in Lessos also

facilitated squatter advantage of evading the county council officials from confiscating their stock. By this time, most of the Nandi squatters who had most of their stock eliminated from the farms signed contracts as Monthly casual labourers. Thus they changed their status from squatter labourers to cottage labourers in European farms.

In 1960, the Resident Native labourers (Uasin Gishu county council) Turbo-Kipkarren Ward Order was passed. This order prohibited the keeping of stock by resident labourers on any farm (other than a forest area) within the Turbo-Kipkarren ward of the rural county council of Uasin Gishu.⁴⁴ This sparked off opposition from white farmers in the ward. Mrs. B.C. Barrow, for example, objected to the intention to terminate the keeping of stock by her Nandi resident labourers on her farm.⁴⁵ The reasons she gave were that the Nandi resident labourers had been in her farm for very many years and thus after training them, they were skilled labourers. Mr. L.G., Cooper of the Grove Farm objected to that because of the political situation in the colony. "This is certainly not the time to aggravate the feelings of one of the few remaining friendly tribes in the country, this is, the Nandi".⁴⁶

By 1961, there was a great deal of change in the resident labour administration. Financial stringency caused the closure of many holding grounds in the district.⁴⁷ The truculence shown, and the violence offered by Nandi squatters to the enforcement of the existing legislation, meant raids by the County Council officials and police was largely hampered by Nandi resistance. A number of defeats were inflicted on the police by the resisting Nandi squatters in the District.⁴⁸

Evidence points to the continuation of illegal squatting by Nandi families in Uasin Gishu. The opposition by a number of European farmers shows that squatting was allowed but under more

restrictive labour contracts. The fact that it was no longer a problem, or at least not one that occasioned much debate, was because the exodus of white farmers and land transference to African landlords in the early 1960's made the issue a minor one compared to decolonization. Squatting was no longer a hindrance to white landlordism because white landlordism no longer existed.

6:4 DECOLONIZATION POLITICS AND LAND QUESTION

The land question was the crucial issue of the decolonization process in Kenya. The most serious obstacle to an orderly transition was the fate of the White Highlands. For the European farmers, their land embodied their future. If their holdings could not be insured then their position in Kenya was tenuous. With the announcement, in early 1961, that agreement had been reached on Kenya's progress towards independence under majority rule, land and landownership became one of the more emotional subjects for discussion. The policy of opening up the White Highlands to multi-racial land owners in 1960⁴⁹, aggravated these feelings. Theft of stock, reports of intimidation and growing numbers of restless squatters did little to relieve settler fears. Most European land owners foresaw little security of land title.

European farmers, uncertain of their future, ceased to develop their farms. They only worked them to get what they could in the quickest time. As this happened farm labour fell. Squatters could not return to the tribal areas since they could not be absorbed. Hence they had to remain in European farms⁵⁰.

An attempt was made to safeguard European interest in Kenya ⁵¹ by a group of European moderates led by Sir Michael Blundell, (a member of the legislative council and later minister for Agriculture) and including Wilfred Havelock and Bruce Mackenzie, who floated the ideal of multi-racialism through the New Kenya Group Party. This group, which believed that settlers were indispensable to the Kenyan economy, ⁵² did not, however, oppose the need to remove race barriers to land ownership in the Kenya highlands, a policy which was adopted in 1960. The concept of regionalism was tied up to this liberal European concern with ensuring moderate influence in post-independent Kenya⁵³.

Among Africans ethnic feelings and hatred arose. The issue of ethnicity was basically rooted in the whole process of colonial policy. When Britain established colonial rule in Kenya, it introduced a policy where Kenyan tribes were generally administered separately from each other. Colonialists created traditional homes for the various tribes:

"British administration stabilised boundaries, recognizing each tribe as a separate entity through a system of tribal reserves. These units became the focal point of administration. Government policies, for example, law, Primary and intermediate education and local government had the effect of strengthening tribal loyalties"⁵⁴.

The reason for the creation of reserves was political. It was as G.M., Munene puts it "to keep various African societies apart and avoid their coming together against a common enemy"⁵⁵. The administrative isolation of tribes meant that there were limited chances of the members of various tribes developing a national unity. In 1925, the government allowed tribal organizations to be formed. By 1955, the government allowed limited African political activities throughout the country. There was permission to form district based organization which were, in any case, tribal organizations.

With independence imminent, colonial authorities, to thwart African political unity, again divided Africans by encouraging tribal sentiments in terms of land. They claimed that "the big tribes wished to dominate the small tribes"⁵⁶. Thus colonial government continued fostering tribal rivalry and ethnic fears. At the heart of these fears and therefore the major points of contention between these tribes was the question of land in the so called White Highlands.

Among Africans, therefore, ethnic feelings hardened and the protection of ethnic interests, particularly land, took the chief place in their thoughts. They laid claims, as tribes, to different parts of the European areas. At the beginning, this claim to tribal "sphere of influence" was not directed against European so much as designed to keep other tribes out. There was a general move by the Kalenjin groups, predominant in the Rift Valley Province of the Kenya White Highlands, to push Kikuyu squatters in the province back into areas of Central Province⁵⁷. The Kalenjin feared that the Kikuyu squatters would seize land in their Rift Valley's sphere of influence. The Kikuyu squatters, in turn formed groups calling themselves the "Land Freedom Army"⁵⁸, bound together by oaths. This movement existed largely in the European areas, chiefly among Kikuyu squatters. Their objective was to hold the Kikuyu position in the European areas and probably to be ready to take over European farms⁵⁹. Thus the scramble for land in the Rift Valley province of the Kenya White Highlands was on.

As the general confusion increased, so political feelings grew and they in turn translated into two major political parties, the Kenya African National Union (K.A.N.U.) and the Kenya African Democratic Union (K.A.D.U.)⁶⁰. When these parties were formed in 1960, it merely brought together pre-existing district organizations and their leaders. In its manifesto of 1960-61, K.A.N.U. spoke of its aims in general terms. It pledged itself to undiluted democracy " K.A.N.U. pledges itself

to ensure fundamental freedoms⁶¹ and was for African majority rule in the country. K.A.D.U. was of course no clearer than K.A.N.U. in its aims and policies, other than the perceived fear of domination by bigger tribes, especially the Luo and Kikuyu, in post-independent Kenya. It viewed devolving powers to the regions as a protection for the feared Luo-Kikuyu domination of the central government⁶². At the heart of these fears and therefore the major point of contention between these two parties was the question of land; Land ownership and control in post-colonial Kenya⁶³.

These inter-party differences were perhaps spelt out most clearly in the Constitutional Conference of Lancaster in 1962. Dr. Gikonyo Kiano, of K.A.N.U. said:

"that land and property rights should be enshrined in the Bill of Rights. K.A.D.U. had quoted land tenure as one reason for regionalism, on the assumption that after independence some groups might take advantage of others. But land was so important to the economy of Kenya that it should be under the control of the central government"⁶⁴.

In his contribution, Daniel Arap Moi of K.A.D.U. picked up on this issue of land:

"As regards Dr. Kiano's remark that, unless K.A.N.U.'s policy on land was accepted, there would be breakdown and bloodshed, his people of Kalenjin were prepared to fight and die for their land, which after all in Kenya belonged to the people of the various tribes and not to the Kenya government"⁶⁵.

In giving their support to K.A.D.U., the European moderates tied up the concept of regionalism as a means of ensuring moderate influence in post independence Kenya. Sir Michael Blundell remarked at a Second Lancaster House Conference on impossibility of settling people in a new area without the permission of the people there; "If you are prepared to back up regionalism it must be based on the one fundamental asset of the region which is land. I regard this as a serious issue. It may well decide the fate of the conference".⁶⁶ Later in a letter to Baron Colyton, before a debate in the House of Lords on Kenya, Blundell warned that there would 'undoubtedly be a civil war'

if a federal system was not instituted. The Kalenjin and Maasai would not accept Kikuyu and Luo dominance.⁶⁷

By 1962, therefore, the nationalist struggle was characterised by ethnic parochialism in the Kenya highlands. As a result, the White highlands became the centre of ethnic controversy. The fate of the area, however, was decided, not by African, but by the recommendations of the European settler community, whose influence was felt long after the attainment of political independence.⁶⁸ There was an economic hold that swayed major political decisions both under the colonial regime and in independent Kenya. It was left to the Kenyan government to appease the African land hunger as best as it could within the provisions laid down during the decolonization process.

The Kenya government's predominant concern was ensuring stability during the period of transition and after and preserving the larger farms system in the White highlands. To do this, African land pressure had to be relaxed and the European farmers reassured. To quell the rising wave of the African's clamour for land and to give settlers time to devise suitable land transfers measures, token settlement programmes, such as the 'million acre scheme', were introduced. This approach was designed to help the European community prepare for independence rather than to realise the historic objective of Kenya African nationalism for the recovery of the White highlands.⁶⁹ The scheme involved the settlement of about 35,000 landless families on some 1.2 million acres of land excised from the White highlands. The project was a massive undertaking requiring delicate political and economic negotiations.⁷⁰

After extensive discussions between settler representatives, colonial officials and African politicians, a working programme on the transfer of land to Africans was established. An international pool of finance was set up, with contributions from the British government, the World Bank with its International Bank for Reconstruction and Development, and the colonial Development corporation.⁷¹ This was to be overseen by a non-political organization and the money used for buying land from willing settlers to sell to willing African buyers. By internationalising the loan scheme to Kenya for buying land in the White highlands, Britain hoped to ward off the possibility of financial default.

At independence, it had become clear to the large numbers of landless people that there were to be no massive free grants of land. The Nandi squatters in Uasin Gishu approached their leaders for help in buying land from the former European farms they had been working on.⁷² Most of the squatters by this time were bankrupt, given the fact that their sole economy of cattle had been, through many excessive orders from the district council, drastically reduced to a few herds. Their remaining cattle could not enable them to earn a lot of money by selling. Most of these Nandi squatter families remained in forested areas and, because of their financial difficulties, could not buy land. Others hoped to own land by joining co-operative societies or limited companies that were purchasing land in the district, which were later subdivided and shared out among the various members.

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CHAPTER SEVEN

CONCLUSION

This study has been concerned with the history of the Nandi squatters in the Uasin Gishu District during the period between 1906 and 1963. The study has first shown that the Nandi were an amalgam of a plurality of clans, who emerged as a result of migration from various places and interaction with its neighbours. These various clans settled on the south-western Nandi escarpment at Chebilat. Thus the Nandi are presented as a hybrid society through interaction with the Kony, Kipsigis, Tugen, Elgeiyo, Gusii, and various Luyia groups notably the Maragoli, Bunyore, and Kabras.

The term "Nandi" was coined by the Arabs and Swahili coastal traders in the 1850's to these people. This was because of these peoples' rapaciousness to the Arabs and the habits of the voracious 'cormorant', which is termed 'Mnandi' in Kiswahili. The Arabs coined it because of several attacks launched over a long period by the Bororiosiek warriors against them. During and after the colonial rule, the various members who had in the past called themselves names of their various Bororiosiek adopted the alien term 'Nandi' in referring to themselves.

Nandi society in the pre-colonial period is presented as remarkably egalitarian. The Nandi practised varying modes of subsistence. Nandi economic way of life was centred on the well being and increase of their cattle. Not only did the Nandi own large numbers of cattle, as well as goats and sheep, but their whole life was centred around their cattle. Cattle formed the main occupation of men.

The possession of cattle was, in fact, essential for full participation in the social and political life of the tribe. Cattle were the sole form of wealth recognized, and the only kind of property that mattered. As such it was accumulated, being obtained chiefly by inheritance and from raiding expeditions. Grazing land for cattle was thus important and was sought by all the members of the society. Crops such as eleusine grain and finger millet were grown. Maize, potatoes, pumpkins, bananas, sugar-cane and tobacco were also grown in favourable areas.

From the socio-political angle, the Nandi evolved social and political institutions which were fully integrated to their public life. The basic political unit was the Koret, the smallest neighbourhood unit, and the political institution which deliberated on day to day affairs of the Koret was the Kokwet Council. Matters affecting a group of Korotinwek (plural of Koret) were solved by the Bororiet Council. In addition kinship ties and age-sets gave the people a sense of belonging and solidarity. While all these factors helped to create a homogenous Nandi society, it was the colonial administration starting from 1906 that contributed greatly to the consolidation of a distinct Nandi society.

Towards the end of the 19th century, the Maasai had been routed out of the Uasin Gishu as a result of a series of internecine quarrels among the Maasai themselves and also as a result of their defeat by the Nandi warriors. This gave the Nandi unchallenged access to the pastures and salt licks throughout the extensive Uasin Gishu plateau.

The Nandi used the plateau as their grazing land until the time of white settlement when the plateau was annexed by the government as part of the European White Highlands. The Nandi resisted the colonial government intrusion of their land. The Nandi resistance led the government to mount

punitive expeditions against them because they had rendered European settlement of the Uasin Gishu plateau insecure. The final expedition of 1905 led to the defeat of the Nandi which permitted the introduction of colonial rule. The government removed the Nandi from the Uasin Gishu to the Nandi reserve and imposed strict controls over their movement outside it. Vast acres of Nandi grazing land in Uasin Gishu were alienated for settler occupation.

The entrenchment of colonialism affected the Nandi in a very profound way. With the creation of the Nandi reserve the government hoped to induce the Nandi to develop the agricultural economy of the settlers in the surrounding farms as wage labourers. A combination of financial and political legislations were employed in order to create an adequate labour supply for the settlers. Since one of the major complaints on the Uasin Gishu plateau was the shortage of labourers farmers designed a squatter system of labour which they knew will induce the Nandi since their reserve had already been overcrowded with stock. Under the squatter system an African entered an agreement with a settler to work for him for a stated period of time at a specified wage. In return, he was allotted land on the farm to build his house, graze his livestock and cultivate.

Before First World War, the Nandi Squatted in the Uasin Gishu District in order to obtain access to the much needed grazing land. Many Nandi took with them their stock to the alienated lands where there was available grazing in payment for labour. This was facilitated by the pioneer stage of European settler agriculture which allowed the squatters to graze their cattle and cultivate food crops in their farms.

Settler labour demands at this period, were minimal and there was a large degree of mutual co-existence between the initial Nandi Squatters and the European 'Kaffir' farmers. Under the Kaffir 'farming system', Nandi squatters enjoyed extensive independence in the Uasin Gishu District. The main feature of this squatter system was that the Nandi were allowed to live and graze their livestock on sections of the settlers' land in return for an agreed amount of labour paid at a nominal wage. The Nandi squatters were largely left alone with little supervision over their activities. The fact that Nandi squatters did not have legal title to land in settled areas of Uasin Gishu was, in the early years of settlement, immaterial, since access to it was more important to the Nandi.

While Nandi squatter activities during the period before 1918, were largely unsupervised by the colonial regime, it is evident that the inter-war period saw the colonial government's determination to regulate squatter labour activities on farms. Since Nandi squatters, while grazing their cattle, tended to evade work in European farms, their squatting was considered illegal and had to be controlled. Subsequently, measures were applied that threatened both the economic and the social viability of these squatters.

Once the settlers attained hold in their economic enterprise, they sought to establish themselves as the dominant group. This entailed control over independent squatter activities and their labour obligations. Hence in 1918 the Resident Native Labourers Ordinance was introduced. The status of the squatters was changed from that of enjoying independence and unsupervised, into servants, a category that was subject to closer supervision and restrictions.

The 1918 Resident Native Labourers Ordinance largely failed to ensure the development of adequate labour supply to the settlers. The Nandi squatters continued to pursue activities that evaded the colonial government's sole reason for allowing them in the district. In the early 1920s there were complaints by colonial administrators that many of the provisions of the 1918 ordinance were not being fully observed by both the settlers and the squatters. Squatters were unlicensed as required by the ordinance. The White farmers were also not keeping registers of their resident labourers. This was because they were afraid of losing their squatters labour if they stuck to the letter of the ordinance.

The Nandi squatters in Uasin Gishu continued the practice of kaffir farming which the law had prohibited. The settlers allowed them to graze their cattle in return for milk and manure. Although the 1918 Ordinance was amended by the 1925 Resident Labourers Ordinance, the new Ordinance made it impossible to prosecute local farmers with resident labourers having excess stock on their farms.

During this period, the squatter system suited the Nandi way of life. It provided a material security and preservation of family life, together with a paternal relationship that was for a period of time desired by the Nandi squatters. Though the Afrikaner farmers or the "Kaburu" as the squatters called them, treated them harshly they allowed large squatter herds to graze on their farms. Many Nandi squatters in the inter-War period became wealthy in terms of cattle. This was because their stock got enough pastures in the white settler farms.

The life of a Nandi squatter, except when he was engaged in work for his employer, was much as it was in the Nandi reserve. Since a large number of Nandi people lived on farms as squatters, a good deal of Nandi culture was practised, for instance marriage and circumcision ceremonies. Many squatters lived within a short distance from the Nandi reserve, and could easily walk there when not required. Hence they could maintain close contact with their relatives and friends. However, during this period, Nandi squatters assimilated various culture traits of the Europeans. Nandi squatter huts began to have furniture modelled to that of the European. Some Nandi squatters discontinued the traditional practice of piercing-ear-lobes. Nandi squatters who worked in European houses wore European type of clothes. In spite of the above Nandi squatters on the whole remained aloof from the European way of life.

During the inter-War period, it became clear that lack of supervision on squatter labour was incompatible with the government economic and political policies. Consequently it began to implement measures to curb squatter autonomy. The 1937 Resident Native Labourers Ordinance gave the European settlers powers to limit the number of acres under squatter cultivation, to eliminate squatter stock and to increase the number of working days from 180 to 270 days per year. In the Uasin Gishu, high grain prices, especially wheat, widespread use of fertilizers and the purchase of modern farm machinery, caused a surge in agricultural production. Because of better dipping methods, mixed farming agriculture and pastoralism became attractive to many settlers and opposition arose to the presence of squatter stock. In order to prevent the spread of disease in new settler herds, this stock had to be removed from the European farms. However, when the Uasin Gishu District council proposed a total elimination of squatter stock in 1944, there was a considerable resistance from the

settlers. The fear of losing labour during an unprecedented production drive was uppermost in the settlers mind. Prohibition of squatter stock would have amounted to economic suicide.

Although the colonial situation in Uasin Gishu district subjected the Nandi squatters to oppression, the squatters did not readily succumb. They evolved subtle and at times, very successful methods to counter the colonial assault. Nandi squatters expressed their discontent by disregarding labour regulations, squatting illegally, mass exodus of these Nandi squatter community to other African reserves, refusing to attest and moving from one farm to another. In some ways the reduction of resident labourers cattle increased the contact between the Nandi resident labourers in Uasin Gishu and the Nandi reserve. Many resident labourers had been on the farms for so long that they found they were not welcomed by the tribal authorities when they tried to take their stock back. This was because grazing land was already limited there. This forced the fleeing squatters to go as far as Uganda and Tanganyika in search of land to graze their stock.

In 1947, when the Uasin Gishu District Council passed an order for the complete elimination of squatter stock, both the farmers and the Nandi squatters resisted the order. The fear of losing squatter labour by the settlers led them to allow the sons of Nandi squatters to take over part of their father's stock. Farmers also hid their Nandi squatters stock among their cattle. This was because the farmers in the district relied mainly on Nandi resident labourers. No Nandi could work on farms without his stock.

From 1954 onwards, the option of Nandi squatters return to Nandi reserve was being closed off as a result of the Swynnerton plan. This plan served as a landmark on the life of Nandi squatters

in the Uasin Gishu District at a time when their welfare was at its lowest point. The plan blocked their access to the Nandi reserve since the tribal land had been divided into individual land units. The tribal authorities in the reserve could no longer pretend to shoulder its responsibilities for finding land for its members like the squatters. This brought a sharp division between the Nandi in the reserve and the Nandi squatters in the Uasin Gishu.

The order to bring about the total elimination of Nandi squatter stock frustrated this squatter community. This was because while the border to the Nandi reserve had been closed off, the Uasin Gishu District council continued depleting their cattle. The opposition by a number of European farmers to elimination of Nandi squatters with stock shows that squatting continued in the district, well into independence. The fact that it was no longer a problem, or at least not one that occasioned much debate, was because the exodus of white farmers and land transference to African landlords in the early 1960s made the issue a minor one compared to decolonization. The landless Nandi squatters in Uasin Gishu began to look to independence under which they would find new land for subsistence agriculture on the European farms.

After extensive discussions between settler representatives, Colonial officials and Kenyan African Politicians, a working programme on the transfer of the White Highlands to Africans was arrived at. Britain sought to safeguard her economic and political interests in Kenya by attaching International credit finance bodies to the decolonization process. In the bargain that ensued, Britain's and the settlers' interests were safeguarded while squatter objectives were sacrificed and their aspirations overlooked. At Independence, it had become clear to the large numbers of landless squatters that there were to be no massive free grants of land to them in the settled areas. It was left

to them to approach their politicians for assistance in buying land from the former European farms they had been working on. Most of the squatters formed co-operative societies through which they could buy land in the White Highlands.

The history of Nandi squatters in the Uasin Gishu district was thus characterised by an ardent determination for survival, and even prosperity, amidst an oppressive colonial situation. This only constitutes one aspect of the colonial conflict in Uasin Gishu District. The conflicts inherent in the Nandi squatter settler relationships after 1937 can be seen in their true perspective only within the context of the essentially brutal and exploitative relationship of colonialism. The various orders for the elimination of squatter stock in the Uasin Gishu was in reality a way of underdeveloping the Nandi squatters whose cattle was a symbol of wealth. The white settlers, supported by the colonial government, represented the capitalist development at the expense of underdeveloping the squatters by eliminating their stock and limiting the land for cultivation. This study thus hinged on the framework of underdevelopment theory.

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(D) LIST OF INFORMANTS

<u>NAME</u>	<u>DATE</u>	<u>PLACE</u>	<u>AGE</u>
1. Arap Kutuny,	17.10.92	Turbo	82

2. Kiplagat Arap Ruto,	22.10.92	Moiben	72
3. Arap Korir Chepsiron,	18.10.92	Turbo	70
4. Arap Chelekem,	17.10.92	Moiben	81
5. Mrs. Chemangare,	19.10.92	Turbo	84
6. Mrs. Ann Rutto,	27.10.92	Moiben	62
7. Thomas K. A. Barno,	20.10.92	Moiben	72
8. Arap Mosonge,	27.10.92	Turbo	78
9. Arap Tambuyah,	18.10.92	Kesses	76
10. Arap Ngetich,	26.10.92	Kesses	68
11. Arap Chepkieny,	24.10.92	Turbo	66
12. Musa Chemirmir,	13.10.92	Moiben	69
13. Joshua Keino,	27.10.92	Turbo	65
14. Daniel Arap Sang,	15.10.92	Cherangany	72
15. Arap Tulus,	8.10.92	Rumuruti	74
16. Kibet Arap Koko,	7.10.92	Laikipia	82
17. Kibet Arap Mogo,	5.10.92	Soy	86
18. Some Arap Rono,	30.10.92	Soy	72
19. Arap Suge,	4.10.92	Eldoret	66
20. Arap Kirior,	3.10.92	Eldoret	78
21. Arap Maina,	16.10.92	Soy	84
22. Arap Bile,	9.10.92	Moiben	78
23. Arap Maswai,	14.10.92	Moi's Bridge	84
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GLOSSARY

- 'Akwo' - Unsettled area within Bororiet frontiers.
- 'Boiyotab-kokwet' - Chief spokesman.
- 'Bororiet' - Territorial, military, political unit.
- 'Iwat-kut' - March.
- 'Ipinda' - Age-set.
- 'Kaptich' - Cattle grazing ground.
- 'Kitonyik' - Blacksmiths.
- 'Kiruogindet' - Chief.
- 'Kipsunde' - September.
- 'Kiptamo' - February.
- 'Kiptaiyat' - Warrior leader.
- 'Kobandas' - Smelting furnaces.
- 'Kokwet' - Group of homesteads.
- 'Koret' - Homesteads.
- 'Kotiek' - Arrows.
- 'Kurget' - Homestead land.
- 'Kwangok' - Bows.
- 'Longet' - Shield.
- 'Maotiot' - Intermediary.
- 'Mbare' - Land for cultivation.
- 'Mootiet' - Quiver.
- 'Mosongik' - Finger millet.

'Murenik'- Warriors.

'Ndasimiet'- Warrior protective medicine

'Orkoiyot'- Diviner.

'Paiyuat'-Eleusine grain.

'Rotwetab-chok'- Sword.

'Sikiroinok'-Secret lodges.

'Sirityet'- Warrior fighting unit.

'Tiliet'- Kinsman

'Tobongenik'- Iron-ore deposits.

'Tuka'- Cattle.

'Tumto'- Circumcision ceremony.