

**LAND OWNERSHIP AND CONFLICTS IN LAIKIPIA NORTH SUB-  
COUNTY, (1895-2020)**

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THE AWARD OF THE DEGREE OF MASTER OF ARTS AT KENYATTA  
UNIVERSITY**

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**DECLARATION**

This thesis is my original work and has not been presented for a degree or any other award in any other university

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## **DEDICATION**

I dedicate this thesis to my late Father, David Karanja Gitau, and Mother, Mary Njeri Karanja, for being my first instructors and providing resources throughout my education journey.

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## ABSTRACT

Land conflicts in Laikipia County have been covered by local media for years and have been a subject under scrutiny by various agencies, including the Kenya Government and Non- Governmental Organizations. Land conflicts have hindered the socioeconomic activities of the residents of Laikipia County. The objectives of the study were to: analyze the status of the Maasai-British settler land conflicts (1880-1963); demonstrate the escalation of land conflict in Laikipia County following the in-migration of Agikuyu into the area during Kenyatta's reign (1963-1978); investigate the nature of land conflict in Laikipia during the reign of President Moi (1978-2002), assess the changing nature of land conflict and its impact in Laikipia during the reign of President Kibaki (2002-2010) and analyze the Land Conflict in Laikipia after the Promulgation of 2010 Constitution in Kenya. The study was conducted in Laikipia County, Kenya, and was narrowed down to Laikipia North sub-County due to the fact that it is the home to the three main players involved in the conflict, namely the Maasai who are pastoralists, Agikuyu who are farmers and the European settlers who are ranchers. The study adopted a survey research design. Primary data was collected using Key Informant Interviews, Focus Group Discussions, and archival sources. Secondary data was collected from Government reports, journal articles, print media, and the thesis. Descriptive data analysis methods, verbatim and documentary analysis, were utilized during data analysis. The study adopted the protracted social conflict theory by Edward Azar's (1990). According to Azar, the denial of human needs to a large population initiates cases of protracted social violence, as witnessed in Laikipia, where the conflict is highly blamed on resource struggle between farmers, pastoralists, and white settlers who own ranches. A significant concern of the study was to identify the possible triggers of conflict and the role played by each category of players. The study's findings are that land leases, beliefs and traditions, sand harvesting, and environmental extremes are Laikipia's main sources of conflict. The study recommends peace resolution strategies for utilizing resources in Laikipia that can be applied in other regions facing land conflicts in Kenya.

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## LIST OF ABBREVIATIONS AND ACRONYMS

<b>ASALs</b>	Arid and Semi-Arid lands
<b>ASTPU</b>	Anti-Stock Theft Police Unit
<b>CBOs</b>	Community-Based Organizations
<b>DRC</b>	Democratic Republic of Congo
<b>EAWLS</b>	East Africa Wildlife Society
<b>FBOs</b>	Faith-Based Organizations
<b>FGDs</b>	Focus Group Discussions
<b>GOK</b>	Government of Kenya
<b>KAR</b>	Kenya Africa Rifles
<b>KIIs</b>	Key Informant Interviews
<b>KNA</b>	Kenya National Archives
<b>MP</b>	Member of Parliament
<b>NACOSTI</b>	National Commission for Science, Technology, and Innovations
<b>NGOs</b>	Non-Governmental Organizations
<b>NPR</b>	National Police Reservist
<b>NRT</b>	North Range Trust
<b>PSC</b>	Protracted Social Conflict
<b>TEK</b>	Traditional Ecological Knowledge
<b>UN</b>	United Nations

## OPERATIONAL DEFINITION OF TERMS USED IN THE STUDY

<b>Arid and Semi-Arid lands:</b>	Is an area that receives below 500mm of rainfall per annum.
<b>Conflict:</b>	A disagreement through which the parties perceive a threat to their needs, interests or concerns
<b>Institutional Framework:</b>	Both formal and informal organizations involved in conflict resolutions
<b>Land Conflicts</b> :	Disputes over space on the earth's surface (Land) and its resources.
<b>Livelihood</b> :	Endowment and socioeconomic strategies meant to promote or protect household wellbeing
<b>Local immigrants</b> :	People from other areas in Kenya who settled in Laikipia County.
<b>Pastoralists</b> :	Communities that rely on mobile livestock rearing as a livelihood strategy for human survival and social-economic development, normally in marginal, arid, and semi-arid lands
<b>Progressive Constitution:</b>	A comprehensive constitution and has a liberal bill of rights. It also gives citizens the power to determine how they are to be governed.
<b>White Settlers</b> :	White immigrants who settled in Laikipia County following the scramble and partition for Africans after the 1884 Berlin Conference

## CHAPTER ONE

### INTRODUCTION

#### 1.1. Background to study

Although scholars have defined conflict differently, the general agreement among political scientists, anthropologists, sociologists, social psychologists, and/or legal experts has settled on the definition of any form of conflict as a struggle over principles, claims to status, power, and limited resources in which participants seek to obliterate, harm, or eliminate their adversaries (Yoh, 2008). Adedeji (1999) asserts that political, economic, social, and cultural issues that lead to insecurity, psychological fear, and political uncertainty are the root causes of wars. Thomas Hobbes (1588-1679) believed that conflicts have always existed because people are fundamentally egoistic and work and strive to achieve their goals. The egoistic nature of human beings could be blamed for many vices witnessed in the world today, such as land grabbing, invasion of land, corruption Embezzlement of funds, and other forms of economic crimes in government and private organizations.

Conflicts can be categorized into various categories. Conflicts are divided into five categories by post-structuralist theories: biological, physiological, sociological, international, and global conflicts (Burton and Dukes, 1990). Land conflicts fall under physiological conflicts. The combination of a physiological mechanism, activation of the mechanism, and learning determines the physiological expression of a conflict (Sandole and Hugo, 1993). According to Sandole and Hugo (1993), interaction with

nature and other people leads to conflict at this level. Human interaction with the environment is motivated by economic reasons. The major economic activities are carried out as a source of livelihood but end up generating disputes when space (land) is limited. Moreover, political conflicts between neighbouring villages are a factor in land disputes (Yoder, 2003).

Resource conflicts are common in many regions of the world and have affected the communities' well-being. Conflicts of this nature have frequently been fueled by rivalry for political influence, wealth, and reputation (Maina,2000). As a result, there have been deaths, unrest, injustice, forced evictions, losses of property, underdevelopment, and a general disorientation of people's behavioural patterns (Kinoti,1994). For instance, more than 500,000 people perished in Rwanda in 1994. Moreover, about three million people were compelled to flee to the Democratic Republic of the Congo (Kinoti, 1994).

During the Cold War (1945-1989), armed conflicts were systematic in nature due to the bipolarity that existed then in the world (Lind, 2002). According to Azar (1986), conflicts in Africa result from racial, religious, ethnic, and cultural differences. But nonetheless, recent studies have demonstrated that the lack of resources, or the perceived lack of resources, is a major catalyst for violence (Lind and Sturman, 2002). According to Varisco (2010), it is incorrect to attribute the origin of armed conflicts to the availability (or lack thereof) of natural resources. He cites Norway and Botswana as two instances of peaceful nations with a wealth of natural resources. On the other hand, despite having abundant natural resources, Sierra Leone or the Democratic Republic of the Congo (DRC) have seen violent conflicts. Some boundary and territorial disputes

have continued in Latin America since the 19<sup>th</sup> Century and remain unresolved (Yoder, 2003). Although the land is usually the central object of these disputes because it is a major source of livelihood and an economic asset (Griggs, 1998), the causes of land conflict do not always result from land or natural resource issues (Yoder, 2003). In South Africa, many land disputes arose with the policy turn-around by government amendments in passing land legislation without consulting affected communities (Mavungu, 2011).

In Africa, border disputes continue to be a significant security risk. A border dispute between Burundi and Rwanda exists along the Akanyaru/Kanyaru and Kagera/Nyabarongo Rivers. Uganda and the Democratic Republic of the Congo (DRC) disagree about Rukwanzi Island in Lake Albert and other Semliki River territories (CIA, 2017). Migingo Island in Lake Victoria is the subject of ongoing controversy in East Africa (Olita, 2009). The history of Land conflicts in Kenya can be traced back to the start of the colonial period when white settlers displaced various indigenous communities. British and Maasai signed the two agreements to facilitate white settlers' occupation in Kenya. The signed treaties were the Maasai Agreement of 1904 between Oloibon Lenana (Paramount chief) on behalf of and Sir Donald Stewart, the Maasai Community on their behalf (East African Governor) on behalf of the British government. Paramount Chief signed the second Maasai Land Agreements on behalf of the Maasai community on the one hand and Sir Edouard Percy Granwill Girouard, Commander in Chief of the East Africa Protectorate and Governor, standing for of the British administration. The signing of the agreements led to the displacement of the indigenous Communities in Kenya from their native land. The displaced communities

were forced to look for work in the settlers' fields in order to meet their basic necessities and pay levies like the hut tax.

In the case of Kenya, white immigrants targeted fertile areas for settlement and played a key role in urging Britain to declare Kenya, a colony. During the colonial period, Kenya received white immigrants who were interested in the fertile lands in many parts of the Country. The fertile regions that the British immigrants occupied were known as the white highlands. In the current Laikipia, white immigrants settled and established commercial ranches that have continued to exist to the present. After Kenya attained its independence, most of the settlers left the country while some continued to occupy their land on leaseholds. Before leaving the country, the settlers sold their land to the indigenous communities on a willing-buyer-willing-seller policy without referencing the previously signed agreements.

Thirty-five percent (35%) of Laikipia is owned by European ranchers, while the locals own 30 percent. Thirty percent of the entire land area is thought to be owned by nomadic farmers who are connected to a certain group of ranches, which are their own ancestral lands as a community. Indigenous agricultural tribes own around 30% of the land, however. Many ranches owned by corporations or individuals in Laikipia fall under the category of long-term leasehold agreements with the government that grants property rights. For the next 10 to 20 years, most leases granted during the colonial era would expire. (EAWLS, 2017). Among the indigenous communities that purchased land from the British settlers after independence are the Agikuyu, Kalenjin, and Ameru. This explains why after the attainment of independence in Kenya in 1963, Laikipia County

received the newest local immigrants who had not occupied the region before 1900. These local immigrants were mainly farmers, while the indigenous communities, namely the Masaai and Samburu, were pastoralists. The competition for resources (land) between the settlers, local immigrants, and indigenous communities in the County has resulted into frequent conflicts witnessed in Laikipia County throughout the 20<sup>th</sup> century. These conflicts have led to a loss of human life and Livestock, loss of livelihoods and destruction of properties.

Laikipia has experienced changing dynamics of land conflict with the transition of governments in Kenya. During the reign of President Moi, the region experienced severe ethnic-related conflicts in 1992 and 1997, which were associated with competition over land. The competition of over land has caused tension between the various communities in the region pitting farmers against pastoral communities' private ranch owners (Njoroge, 2011). The major cause of conflict in Laikipia County, according to Njoroge (2011) is resources of which land is the major resource. Due to its location on the leeward side of Mount Kenya, Laikipia County is mostly arid and semi-arid, which has made the situation worse. These conflicts have been exacerbated by extreme weather; the main climatic factor that has frequently led to a loss of livelihood is drought. Due to the loss of animals caused by droughts, attacks and counter-raids have increased due to efforts to replenish the lost livestock (Schilling et al (2012). These raids have further escalated acrimony among the communities living in Laikipia County. According to Schilling *et al.* (2012), animal raids are not unique to Laikipia County but have been witnessed in other pastoralist-dominated Counties. In this respect, the Turkana community and their neighbours raid because of hunger and drought; they

also raid animals because it's their way of life (economic activity). The Pokot community raids their neighbours to pay dowry and accumulation of wealth; they also raid because it's their way of life (economic activity). Eaton (2008) claims that as a result of cattle raids, peace meetings have practically become a part of life for residents in the North Rift in finding a lasting solution. .

A combination of the above factors and land conflicts in Laikipia has elicited various intervention measures from both formal and informal organizations in the quest for sustainable peace. There have been numerous attempts to bring peace to the North Rift region by various organisations, including the Kenyan government, non-governmental organisations and independent peace delegates (Eaton, 2008). The conflict has persisted despite the disarmament of the populations residing in these Laikipia County conflict-prone districts and the enlistment of chosen persons into the National Police Reserve (NPR) (Mkutu and Wandera, 2013). Despite additional initiatives like setting up peace committees, prosecuting offenders, declaring illegal weapons, and giving amnesties for surrender, insecurity and violent conflict persist in the region (Mkutu, 2010). It would appear that, despite the peace-building efforts made by various organizations in Laikipia, little has been achieved to foster sustainable peace and reconciliation. Against this background, the study seeks to investigate the historical evolution of land conflicts in Laikipia County, Kenya.

Competition for water in Kenya is thought to be the root cause of land conflict, whether it be between parties seeking the same thing (farmers and irrigation water) or parties seeking different things (Nyaoro, 1999). Competition for limited grazing grounds, water

resources, and pasture in Northern Kenya has led to conflicts and heightened interethnic hostility ([www.pragya.org](http://www.pragya.org) accessed on 2<sup>nd</sup> march 2018).

## **1.2 Statement of the Problem**

The history of migration and settlement by different ethnic communities into different areas in what is now Kenya went on up to the end of the 19<sup>th</sup> the start of the 20<sup>th</sup> centuries. However, a new player, the British colonial settler, appeared on the scene. The protectorate and colony of Kenya were established on June 11, 1920, when the United Kingdom carved out the colony from the previous East Africa Protectorate's possessions (with the exception of those under the majesty of the Sultan of Zanzibar's jurisdiction).

Before colonization in Kenya on June 1920, Laikipia County was under pastoralists, primarily the Maasai and Samburu communities (Wiesman *et al.*, 2000). The Maasai people have had a sense of entitlement to the whole land now known as Laikipia County. This is due to the land concessions in two treaties signed between the Maasai and the British in 1904 and 1911. In this case, pastoralists perceived the white ranchers as invaders who came and took their land in Laikipia county and hence the repeated conflicts throughout the 20<sup>th</sup> century, especially during droughts when pastoralists forced themselves to graze their livestock on white-owned ranches.

After independence, the coming of Agikuyu communities worsened an already bad conflict between Maasai and white settlers. Pastoralists force their animals into crop fields owned by Agikuyu, escalating the conflict further. Towards the start of the 21

century, there developed great excitement among the Maasai as the 99-year-old land lease to the British ended. The question was, would they assume their land as it had been before 1904 and 1911? Laikipia ranches are considered vital because its home to some of the rare animal species in the world, such as the white rhino. These ranches process the best beef products exported to different regions of the world. Because they are a major source of income for the local government, the ranches' involvement in economic growth intensifies the tension. The ranches are major tourism destinations and environmental conservation centers, earning them government-supporting forms of security and infrastructural development. The support offered by the Kenya government to the British ranchers who are considered foreigners' has not gone well with the indigenous communities, the Maasai and the Samburu. They argue that the ranchers' 99-year leasehold has expired and the Kenyan government should take the land to the indigenous communities. The study sought to unravel the variables at play in the conflicts and to assess the impact of various players on land conflict resolution in the Laikipia North sub-County.

### **1.3 Research Objectives**

- i. Analyze the Nature of the Maasai-British settler land conflicts in Laikipia County during the colonial period.
- ii. Discuss the escalation of land conflicts following the in-migration of the Agikuyu community into Laikipia County during the reign of President Jomo Kenyatta (1963-1978)

- iii. Examine features of land conflicts during the reign of President Moi (1978-2002).
- iv. Assess the changing nature of land conflicts and its impact in Laikipia during the reign of President Kibaki (2002-2010)
- v. Analyze the influence of Promulgation of the Kenya Constitution of 2010 on land conflicts in Laikipia north sub county upto 2020.

#### **1.4 Research Assumptions**

- i. The Maasai of Laikipia lost their prime land during the colonial period.
- ii. The arrival of Agikuyu community migrants into Laikipia during president Kenyatta reign further complicated the land conflicts between the maasai community and the British settlers.
- iii. The Moi presidency in Kenya introduced a new element in the land conflict, namely the Kalenjin factor attempting to outdo the Agikuyu.
- iv. The Kibaki presidency 2002-2012 initially signaled Maasai recovery of their land after the 99 years lease, but never translated into any positive outcome.
- v. The promulgation and implementation of Kenya constitution 2010 has not addressed the historical injustices in respect of maasai land in laikipia north sub county.

## **1.5 Research Questions**

- i. What was the nature of the historical land-based conflicts between the Maasai and the British settlers during the colonial period?
- ii. In what ways did Kikuyu migration into Laikipia County during the reign of President Kenyatta (1963-1978) escalate the already existing Maasai-British settler conflict in Laikipia County?
- iii. What was characterized the land conflicts in Laikipia north sub county during President Moi's rule?
- iv. How did land conflicts impacts laikipia communities in laikipia north sub county in decade of 2000s?
- v. To what extent did the promulgation of contituion of Kenya 2010 addressed the histporical land grivances of the maasai by 2020?

## **1.6 Justification and Significance of the Study**

Conflicts in Laikipia North sub-County have been in the public limelight and continued to recur throughout the 20th century. The dynamic character of land conflict in Laikipia necessitates an evaluation of the role played by European settlers in the recurrence of conflicts in Laikipia North (Njoroge, 2011). Laikipia has experienced land conflicts as well as ethnic-related conflicts as witnessed in 1992, 1997, and 2007 before and after the general elections. Ethnic-related conflicts before and after general elections result from the engagement of leaders who knowingly disseminate false or inaccurate information on resource availability and allocation within their communities in order to foster regional conflict and further their own objectives (Bond, 2014). The study

analyzed the status of the Maasai-British settler's land conflict and analyzed the role played by Agikuyu community immigrants in escalating conflicts in Laikipia County.

### **1.7 Scope and Limitations of the Study**

The research was carried out in Laikipia County, Kenya. However, due to time and financial constraints, the study was narrowed down to the Laikipia North sub-County. Laikipia North was picked because it is home to the three players involved in the conflict: the Maasai, who are pastoralists; Agikuyu, who are farmers; and the European settlers, who are ranchers. Laikipia North sub-County is unique compared to Laikipia West and East, which carries only the pastoralists and farmers, leaving out the ranchers, who are crucial in this study.

The study period (1880-2021) was informed by the fact that Maasai agreements were signed beginning in 1904 and 1911 which were significant in the study. The year 2021 was informed by the fact that Constitution of Kenya was promulgated on 27<sup>th</sup> August 2010 and was to be fully implemented within the five years' time frame settlers land leasehold expired, and the Maasai are agitating to be given back their native land; hence the cause of land conflict in Laikipia North. The study was limited to land conflict as a result of land possession and legitimacy since the colonial and post-colonial era in Laikipia County. The occupation dynamics have affected the household livelihoods, which could have had a bearing on the land conflict.

## **1.8 Theoretical framework**

This study was guided by Protracted Social Conflict (PSC) theory by Edward Azar's (1990) and as articulated by Ramsbotham, Woodhouse, and Miall (2005). The theory describes the institutional weaknesses at the local level and the social causes of conflicts, which result in frequent conflicts. Due to his personal experience with violence in Lebanon, Azar created a framework for analysing conflicts that he named PSC. According to Azar, long-lasting social violence was started by denying basic human requirements to a sizable population.

Azar distinguishes four pre-conditions as being the main origins of PSC. Community content, deprivation of human needs, governance, the function of the state, and international connections are among them (Azar, 1990). According to Azar, communal identification based on race, religion, and ethnic group affiliations or cultural ties constitutes communal content. This is crucial since these identities are later used to elicit basic needs. States that a single communal group dominates develop in many multi-ethnic countries. This group or coalition of groups puts pressure on the social fabric by ignoring other groups' needs, eventually leading to disintegration and protracted social strife (Azar, 1990). According to this precondition, deprivation of needs exists because everyone strives to have their wants met through their shared identification group. Lack of necessities causes more grievances, which people collectively voice. Azar makes a distinction between many types of wants, including those for acceptance, security, and political access.

The final prerequisite, in Azar's opinion, is governance and state. He asserted that the government is bestowed with the power to rule and to resort to force when necessary to maintain social order, safeguard citizens, and provide for the common good (Ramsbotham, Woodhouse, and Miall, 2005). According to Azar, this crucial position has the power to either please or frustrate personal or social groupings. According to Azar (1990), most states that endure protracted social strife are typically characterised by weak, authoritarian, parochial, and inept governments that cannot meet fundamental human needs. The international links, which involve "political-economic relations of economic dependency inside the world economic system," are listed as the fourth prerequisite by Azar. The pattern of linkage within the international system has a significant impact on how domestic social and political institutions are formed and how they affect the role of the state (Azar, 1990).

According to the PSC theory, the lines separating internal and external causes and players are frequently blurred in conflicts that occur in undeveloped regions of the world. We are applying the Protracted Social Conflict in the study of land conflict in Laikipia County. The key players in the study area have needs and interests they seek to safeguard. Pastoralists blame the shortage of pasture and water on the presence of white settler-owned ranches leading to their invasion during drought. The seasonal migration of pastoralists is also blamed for the frequent conflicts between them and farmers. The deprivation of human needs is conceptualized in Laikipia County in the form of grievances due to historical land. Agreements between the Maasai and colonial administration. The Maasai community in Laikipia expected to be given back their ancestral land after the expiry of the 99 years lease period. The government and the

state's role in the study are conceptualized as the role-played by various actors in the enforcement of law and restoration of peace and conflict resolution in Laikipia County.

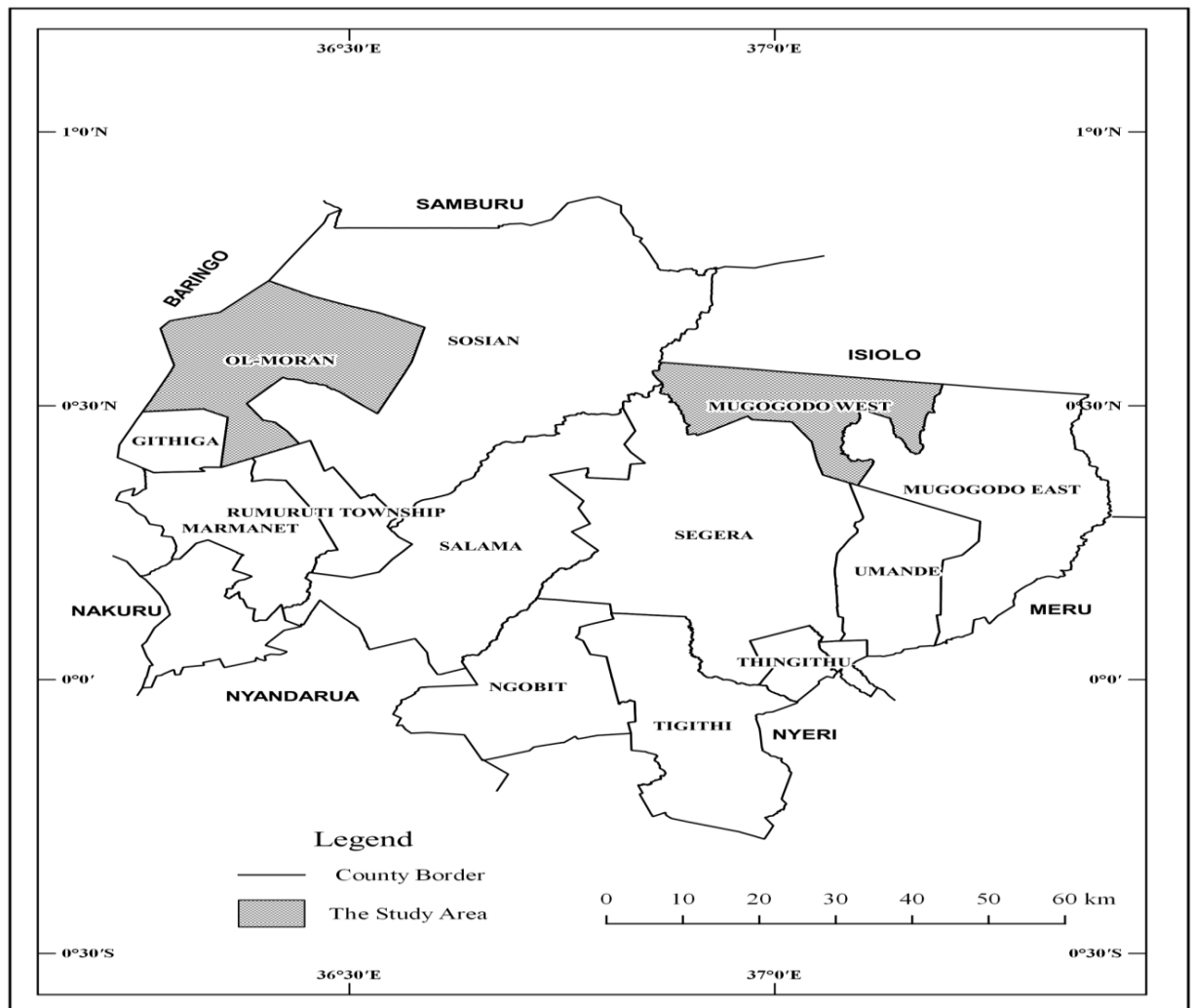
## **1.9 Methodology**

### **1.9.1 Location of the study area**

Laikipia County borders the counties of Baringo, Samburu, Isiolo, Meru, Nyeri, Nakuru, and Nyandarua. It is located across the equator between latitudes 0°17'S and 0°45'N and 36°15'E and 37°20'E. (Figure 1). The Masaai community predominated in Laikipia County during the pre-colonial era (Wiesmann et al., 2000). The region was part of the "White Highlands" during the colonial era, where only European settlers engaged in substantial pastoralism and later agricultural production in the wetter sections. As many of the large-scale farms were sold and subdivided at the time of independence, a substantial portion of the land's use transitioned from ranching to small-scale mixed farming. This resulted in an inflow of immigrants, primarily from Central Kenya's high-potential regions (Kiteme et al., 2008). Ranchers, pastoralists, and farmers live in Laikipia County's western, northern, and eastern constituencies, respectively. Its numerous different towns and priceless resources distinguish the County. This resulted in a contentious, opinionated story that had its roots in political fighting, resource exploitation, human-wildlife conflict, and land grabs. Large tracts of rangeland, arid territory, dry terrain, and fertile arable land are among the numerous climatic zones and landscapes found in Kenya as a county. The main activity that is financially viable is subsistence farming. Many residents raise various subsistence crops, including wheat, potatoes, carrots, peas, maize, and unusual farm animals. In addition, the area is well-known for its expansive ranches, including the

Laikipia, Ol Jogi, Solio, Borana, and Ol Pejeta. (<https://horninstitute.org/complexities-of-laikipia-conflict/> accessed on 1<sup>st</sup> August 2018). The study was done in Laikipia North sub-County in Laikipia County. Laikipia North sub-County comprises of Mukogodo and IIngwesi Wards and Ewaso, Naibor, Segers, and Ol Moran Wards.

### Map of the Study Area



**Figure 1: Map of Laikipia County Showing the Location of the Study Area.**

**Source: Laikipia County Government (2010)**

### **1.9.2 Research Design**

The research was guided by descriptive research design. The design comprises of descriptions and narration of facts and characteristics of a given situation. To understand the motivations behind people's behaviour, direct engagement with the parties involved was necessary (Schwandt, 2000). Several qualitative approaches were used to achieve the study objectives. They include focus groups, key informant interviews, and household surveys.

### **1.9.3 Study Population**

The study focused on the inhabitants of Laikipia North sub-County, including white settlers, local immigrants and the indigenous Maasai and Samburu communities. Key informants were identified among the local population, which included chiefs, elders, religious leaders, county government employees and security agencies.

### **1.9.4 Sampling Techniques, and Sample Size**

The study participants were selected using a non-probability selection technique.. A purposive sampling procedure was used to select study Wards in the Laikipia North sub-County. Cohen et al. (2000) defined "purposive sampling" as sampling with a specified objective and choosing examples that will meet the study profile. A critical realist chooses purposeful sampling to learn about the particular settings of the phenomena being studied (Danermark et al., 2002). Laikipia North sub-County comprises Mukogodo and IlNgwesi Wards and Ewaso, Naibor, Segera, and OlMoran Wards. Segera Ward was

purposefully selected as the study site due to the presence of the highest group of ranches in the Laikipia North Sub-County. In Segera Ward, two study locations, Segera and Ilopoliei, were selected.

The sample size for the Key informants' interview were nine members, two in each category- chiefs, elders, and religious leaders' county government employee and one Ward administrator. The sample size for FGD was 7 to 8 members per group session, including chiefs, elders, religious leaders' county government employees and security agencies. Three group sessions of 45 minutes each were conducted during the study period in the selected location, which translated to approximately 23 members.

### **1.9.5 Research Instruments**

Focused Group Discussions (FGDS) and Key Informants Interviews (KII) guides were utilised as research tools.

### **1.9.6 Data Collection**

Both primary and secondary sources of data were used to get the data for this investigation. Respondents in the fields of Key Informant Interviews (Appendix A1) and Focus Group Discussion Guide provided primary data (Appendix A2). Key informant interviews complemented the results on the role of settlers and local immigrants in land conflicts in Laikipia County.

Documented information was collected at the Kenya National Archives (KNA) on the Maasai Land agreements of 1911 and 1904 and the procedure of Europeans

settlement in Laikipia. There was limited information at the KNA on the information on the role of President Kenyatta and President Moi's regimes on conflict questions in Laikipia County. According to Mr. Peterson Kithuka in charge of the search room at the Kenya National Archives, much information in the -post-independent Kenya has been distorted. KII & FGDs were employed to collect data on the dynamic of conflict in and the role of institutional frame working peace and reconciliation in Laikipia County. Key informants' interviews (KIIs) were conducted to the nine selected informants in both Segera and Ilopoliei Locations using an interview guide for uniformity of the questions. The respondents' responses were recorded during the interview, and their narrations were captured in the field notebook.

FGDs were conducted, and responses were captured and recorded on the field notebook. Secondary data was obtained through documentary analysis to supplement the primary data. Three Focused Group Discussions were organized during the data collection exercise. The sampling of the members of the FGDs was as follows: eight members in the first group, and the third had seven members. Each session lasted forty-five minutes. Both male and female members were involved in FGDs t sessions.

### **1.9.7 Data Analysis**

Both descriptive statistics and documentary analysis techniques were used during data analysis. Descriptive statistics were used to analyze the data collected, where percentages of the responses were computed and results discussed. Verbatim was used to present responses from FDGs and KIIs. Documentary analysis technique was used to analyses settlements of people in Laikipia from 1880 to 2021.

### **1.9.8 Ethical Considerations**

At both the national and county levels, permission was obtained in order to conduct the research. Before the field study got started, a licence from the National Council for Science, Technology, and Innovation (NACOSTI) was requested. Before distributing the surveys, participants were asked for their permission and given an explanation of the study's goals. All of the data gathered from the respondents was handled in the strictest of confidence.

## **CHAPTER TWO**

### **THE DISPOSSESSION OF THE MAASAI LAND BY THE BRITISH IN LAIKIPIA AND THE SUBSEQUENT CONFLICTS IN 1895-1963**

#### **2.1 Introduction**

The section discusses a historical account of the genesis of land conflict in Laikipia County from 1895 to 1963. During this period, two historical land agreements were signed in 1904 and 1911 between the Maasai community and the British government. The data was obtained from archival and secondary sources to give a portrait of the Maasai Community and their encounter with the British. The study of British land possession of Maasai land in Laikipia by 1915 remained in place for the rest of the period.

#### **2.2 The Maasai Society and Territory**

The Maa-speaking population of East Africa also called the Maasai inhabits semi-arid and dry areas along the Great Rift Valley in northern Tanzania, southern Kenya, and the central rift. The majority of the Kenyan Maa speakers reside in the counties of Baringo, Laikipia, Samburu, Narok, Nakuru, and Kajiado (Koissaba, 2014).

The Maasai are plain Nilotes, related to the Samburu, Teso, and Turkana. Purko is the largest division of the Maasai; others are Loita, L'otayak, Salei, Siria, Matapatu, and Nguruman. The Maasai have a military structure in which males between the ages of 17 and 30 are subjected to a certain style of acting in order to meet the requirements of a

Maasai warrior category. The Maasai believed that the male sex was separated into elders, warriors, and boys (the social system). Circumcision, which takes place between the ages of 13 and 17, marks the end of the process. Boys who have undergone circumcision graduate to become "muran," or warriors. Boys who had their circumcisions on the same day were of the same age group. The Maasai's main combat force continues to be their warriors, who make up a permanent army. The "*muran*" live in several "manyattas" or villages and are divided into "sirits," or companies. Their Maasai armed association, which gave them an effective organisation for armed operations from 1600 until the late 19th century, explains not only their dominant position in East Africa but also the values they upheld and the extent to which other groups adopted their way of life. The Maasai's ethnic organisation was greatly impacted by the presence of medicine men, whose duties included administering medications and foretelling future occurrences. Ol-oiboni or Laibon (KNA/LND. 25/16/20-1962) served as the populace's principal healer.

The Maasai worshipped a single deity known as Enkai beneath a sacred tree. The Maasai believed that Enkai was the supreme being who controlled life and death and dwelt on both Earth and in Heaven (Okoth, 1979). The Maasai practised their religion by making sacrifices to Enkai under trying circumstances that called for divine assistance. Such conditions included protracted droughts (Hodgson, 2004). The Maasai believed that everything in the universe and in their prayers had their origins and were created by Enkai. He was seen as being exceptional, universal, strong, and moral while still being human and beneficial (Hillman, 1993).

### **2.3 Intra-Maasai Land Conflicts during the Pre-colonial Period**

Land conflicts were not new to the Maasai community and existed in the colonial and pre-colonial periods. Land disputes arose as a result of competition for grazing pasture between the Maasai clans and their neighbours. Conflicts during the pre-colonial period were classified as intra-land conflicts and inter-land conflicts. The intra-land conflicts were between Maasai clans, such as the Laikipiak and Purko wars over grazing land. The inter-land conflict was between the Maasai and their neighbours such as the Kalenjin and the Kikuyu communities. By the early nineteenth and late eighteenth centuries, a new Maasai uniqueness emerged from the land's central hub, possibly sparking conflict over insufficient pasturage, water, and salt resources. This most recent persona quickly sparked a dispute with the other Maa-speaking tribes. Several minor Maa-speaking portions were dissolved during the ensuing civil war, known as the "Loikop Wars," while others were reorganised. For instance, the Loogolala and Laikipiak sections are defeated by the Purko and Kisongo sections in the 1840s and the 1870s, respectively, leading to the dispersal of the vanquished towns and the loss of their status as distinct divisions. The Parakuyo division, through an arrangement of peaceful coexistence between nearby farming groups, was able to rearrange itself and go further south, eventually settling in central and southern Tanzania. (<https://www.worldhistory.biz/sundries/35072-nilotes-eastern-africa-maasai>)

Ochieng (1989) claimed that the Maasai were Kenya's pivot because of their wandering lifestyle in quest of grazing and water. By the 1890s, they were distinctly rusty. In the middle years of the century, they had been engaged in a recurring civil conflict, the

Lloikop wars. These left the victorious sections at the centre of the Rift seasonal grazing system with pastures too vast to defend. Conversely, the strong men of agricultural colonization on its margins rearmed themselves with the client warriors of defeated sections. Most notably, refugees' prophets started to build a clannish ritual ascendancy among the Nandi. The Maasai world looked to be falling in on them. In the same period, the Maasai were assaulted by natural disasters, affected them more severely than the mixed farming people. The catastrophes were partly cyclical and predictable. There were drought and locust infestation at the beginning of the decade and, again, more viciously, at the end. Famine gave rise to epidemic smallpox, as non-immune pastoralists searched for food among agriculturalists with whom the disease was endemic. The Maasai civil strife was renewed in the Morijo war.

Early in the 1890s, the "War of Morijo" was fought between Loitai and Purko, two of the more potent Maasai tribes that had survived the emutai period unscathed. This turbulence was exacerbated by a succession dispute between Lenana and Senteu, the loibon Mbatiany's sons who had predeceased their father in 1890. The real issue, though, was Lenana's partnership with the British, who wanted to impose their rule by designating him a "paramount chief." Because they only saw the Maasai as opponents, Senteu was unable to achieve a similar understanding with the Germans in the south. In exchange for their complete surrender in 1901, Senteu and the Loitai were permitted to reintegrate into the Maasai tribes who had previously reigned

(<https://www.worldhistory.biz/sundries/35072-nilotes-eastern-africa-maasai>).

Natural disasters such as drought and animal diseases were also not new in Maasai land and led to the loss of their animals even in the pre-colonial era. When the British came to Maasai land, they found people weakened by hunger, the scourge of smallpox, with little resistance left. The Maasai had died in hundreds. It is said that two thousand perished in the Nairobi area alone, and for many years afterward, throughout Maasai land, travelers found skulls and bones, bodies in abandoned huts, and relics of pestilence (KNA, Rw 967-62 HAM, 1965). Colonization made the already volatile situation worse due to the displacement of the Maasai community from their land and confined them into the Northern and Southern reserves.

A prominent Maasai tribe known as the Laikipia lived on the Laikipia plateau before they were attacked and scattered by the Purko division in 1890, losing all of their cattle in the process. After the majority of the animals that the Purko had taken were killed by the great cow plague of 1891, they once again moved south, leaving Laikipia largely abandoned. The western part of the plateau, once home to greater flocks and herds than those owned by the Maasai in 1904, was less well-watered than some regions of the Rift Valley. The Maasai also expressed their happiness with Laikipia's water supply (Sandford, 1918).

The Samburu have traditionally been linked with the Maasai as being of one tribe, classified as Eastern Nilotic. Both are pastoralists whose lives focus on cattle, sheep, and goats - although, nowadays, the Samburu add camels to their list of livestock. The Samburu speak a dialect of *Maa*, the Maasai language and several family names are common to both communities. Attire is similar - from the ancient tradition of wearing

goatskins to the modern use of *khangas*. Both tribes have an intricate social system that divides male members into distinct age groups, including junior warriors, senior warriors, junior elders, senior warriors, and junior warriors. Both hold various ceremonies to mark important rites of passage. It is assumed that at some point in the past, the Samburu broke away from the Maasai, remaining in Kenya's north whilst the Maasai continued on their southward migration (Mann, 2002).

#### **2.4 The Maasai land dispossession by the British in 1900s and 1910s**

Most Europeans were bankrupt in the 19th century due to the drastic changes brought on by the Industrial Revolution. Due to a lack of suitable land, people were compelled to live in cities. The amount of food produced by agriculture was insufficient to feed the growing population. Fresh demand for goods and raw resources was also shaped by industrial progress at the same time. Europe lacked the necessary resources. Some places of the world continued to have an abundance of raw materials. Africa offered Ivory and mineral resources and prospective ranching and agricultural land and workers that might be used as inexpensive labour. There was a rush for land because the area was desirable. African territory was deemed "tabula rasa"—a blank page, an empty spot that was available for claim and distribution to European lords. (HR/GENEVA/TSIP/SEM/2003/BP.7- December 2003). This was realized as one of the resolutions of the Berlin Conference.

During the Berlin Conference, western nations hurriedly attempted to establish direct political control in Africa. The "Scramble for Africa" is a term that is frequently used to describe this race to increase European colonial influence. The Berlin meeting was

organised by Europeans who believed that regulations were necessary to stop violence over claims to African countries. From the little outposts they possessed along the African coasts, European forces grew during the race for the partition of Africa and divided the great majority of the continent among them (Harlow, 1981). The colonisation of Africa by European countries as a means of enlarging their borders resulted from their search for natural resources for their expanding industrial sectors and potential customers for the commodities they produced. The British enlarged their control over Kenya by conquest, signing treaties, and purchasing land, such as the ten-mile-long coastal strip they acquired from the Sultan of Zanzibar (Wakhunguet al., 2008).

#### **2.4.1 The Imperial British East Africa Company (IBEAC)**

The law was a potent tool used by colonial rulers to seize land and impose foreign property titles. With the passage of the Foreign Jurisdiction Act of 1890, the British Crown gained control of Kenya. The 1890 Act granted Her Majesty authority over a foreign state with the same certainty as if the monarchy had been established through conquest or dissolution. The received jurisdiction comprised any acquired before or after the Act's start date, whether by agreement, capitulation, gift, usage, supplication, or other legal means. The Foreign Jurisdiction Act further specified that when a foreign country did not have a system of government from which jurisdiction in the manner previously described is gained, Her Majesty should nonetheless "by virtue of the Act" have jurisdiction over her subjects there.

The Act was altered to provide the Crown jurisdiction to control and distribute waste and vacant land in the protectorate where there was no established form of government and

no local sovereign or individuals had appropriated the property. This gave British authority's expansion legal backing. Then, colonial authority was strengthened through the East Africa orders-in-council of 1901 and 1902. These instructions gave the Commissioner the authority to enact laws that would ensure everyone in the protectorate had peace, order, and a good government. The protectorate established a Supreme Court with full criminal and civil jurisdiction over all matters and issues.

In accordance with the council resolutions, the Crown was considered the owner of all waste and vacant land. Native Americans were only permitted to live on the land as licensees or tenants-at-will. A company charter was used to establish the Imperial British East Africa Company (IBEAC) as a business. The business served as a veil, masking the effects of British policies. Mineral, cash crop, slave, and other natural resource exploitation became widespread. The native population suffered from this exploitation of the land and people. Africans were marginalised and destitute. When the IBEAC had a Charter, Britain was held accountable under international law for her actions in East Africa. One unsuccessful administrator was the IBEAC. The corporation was criticised as "ramshackle" and lost favour with the British government. It was claimed that the organisation was "poorly designed, terribly managed, and chronically under-capitalized." The area that the Company had previously controlled was declared a protectorate by the British government in June 1895. As of December 2003, this territory was governed as the East Africa Protectorate (HR/GENEVA/TSIP/SEM/2003/BP.7).

#### **2.4.2 Declaration of East Africa Protectorate**

On June 15th, 1895, Kenya became a British Protectorate, and this declaration marked the beginning of a massive land grab to make room for British settlers (Syagga, 2011). The foundations for systematically exploiting and seizing native lands were set up by the Proclamation of Protectorate (Koissaba, 2014). Colonialists arrived in the late 1800s and early 1900s, ushering in a brand-new, destructive style of government that ended after around 70 years. Land was usurped through forced acquisition, regulations, and treaties that introduced privatisation of land—a concept the Maasai did not comprehend. Large amounts of Maasai land and resources were taken as a result (Hughes, 2006). The new colonies' economic structure also disrupted the Indigenous groups' practises of pastoralism, land ownership, and ownership of the land.

According to Hassan ole Kamwaro (Standard, September 27, 2015), two Maasai clans fought each other during the nineteenth century, which likely made things simpler for advancing European immigrants. The Morijo War, a conflict between Lenana and Sendeyo, was fought for years between the Imaasai and the Iloikop. Even though Lenana prevailed, the battle had a price.

Colonialists discovered the Maasai with their herd, and flocks dispersed over a vast area when they advanced into the interior of colonial Africa's highlands. When Mr. Hopley served as acting Commissioner, he was able to characterise Laikipia as a broad plateau bordered on the west by a steep escarpment and running from Uaso Narok in the south-east to the Loroghi Mountain in the north (KNA/LND. 25/16/20-1962).

The Maasai were notable for their refusal to participate in or cooperate with colonial rule in Kenya during the colonial era. Yet, the Maasai and the British formed an unofficial partnership between 1895 and 1904 to advance their shared goals. The human and animal epidemics of the 1880s and the early 1890s had a devastating effect on the Maasai people, and they required time to recover their population and reorganise their society. The Maasai gave permission for the railway to be built through their territory, and the British, who were already short on troops and resources and in a perilous situation, could not afford to arouse their ire. The cooperation benefited both parties, and after the railway was completed in 1900, the Maasai and British had different objectives.

The Protectorate's government now had a reliable stream of cash thanks to the introduction of taxation, which meant that the British no longer had to worry about their communications being cut off. A permanent military unit, the King's African Rifles (KAR), was established in 1902. From 1902 until independence in the 1960s, the King's African Rifles, a multi-battalion British colonial regiment, was established from Britain's different territories in East Africa. During the Second World War, it served inside and outside colonial territories in internal security roles. The Maasai community saw more stability when the War of Morijo ended, and the cattle herds had largely recovered. By establishing a variety of laws, including those that prohibited unauthorised pillage, halted the practise of raising levies, and set a strict code of conduct for punitive expeditions, the government dissolved its relationship with the Maasai tribe (Waller, 1976).

Sir Donald Stewart, the commissioner for His Majesty when he arrived in the East African Protectorate, immediately began to think about the issue and concluded that

removing the Maasai, the only genuine answer to the land problem was to divide the Rift Valley into two reserves. This ushered in the signing of formal treaties to put an end to informal cooperation. According to KNA/LND25/16/20- 1962, Maasai and Europeans could not coexist without constant conflict.

Sir Donald Stewart met with Maasai Chiefs in Naivasha on August 9, 1904. Prominent chiefs of the tribe's Purko, Kakonyukye, Loita, Damat, and L'Otayok divisions, as well as Lenana, Masikondi, and Legalishu, were in attendance. Sir Stewart explained the situation to the chiefs and questioned them about their readiness to leave the Rift Valley to European settlement of their own free will. The chiefs' response, which seemed fair, stated that they would be open to doing so under specific circumstances. This culminated at the 1904 signing of the first Maasai-British Accord. The Brits guaranteed the Maasai communities that the land in Laikipia would always be theirs as long as they persisted as a race in the agreement.

## **2.5 Maasai- British Land Agreement of 1904**

According to Sandford (1919), the Maasai Land Agreement of 1904 was a pact formed on August 10<sup>th</sup>, 1904, between the OLoibon Lenana and other Chiefs of the Maasai tribe and His Majesty's commissioner (Sir Donald Stewart) for the East Africa Protectorate. By the terms of that deal, the Maasai people voluntarily gave up their land in the heart of the Rift Valley to relocate to two reserves, one to the north of the freshly constructed Kenya-Uganda railway and the other to the south of it. The pact would stay in place "as long as the Maasai community will continue as a race," the Maasai were promised (Kantai, 2007).

The Second Maasai Land Agreement of 1911, which forcibly removed the Maasai from Laikipia and confined them to the Ngong Reserve, was signed in response to complaints made by European settlers in Laikipia even after the agreement had been signed. The former Commissioner for the East Africa Protectorate, Sir Donald William Stewart, had passed away by the time the second Maasai land deal was concluded. In order to facilitate the Maasai migrations to two different reserves, the second Maasai-British land agreements were signed by Paramount Chief on behalf of the Maasai community and Sir Edouard Percy Granwill Girouard, Governor and Commander in Chief of the East Africa Protectorate, Member of the Distinguished Service Order, on behalf of the British Government ((KNA/LND. 25/16/20).

The agreement having met Sir Donald Stewart, His Majesty's Commissioner for the East Africa Protectorate, on this 9th day of August 1904 to discuss the issue of a land settlement scheme for the Maasai fully, we, the undersigned, being the Lybon and Chiefs (Representatives) of the existing clans and sections of the Masai tribes in the East Africa Protectorate, do so voluntarily. After consulting with Mr. Hobley in Naivasha and Mr. Ainsworth in Nairobi, we have carefully considered this matter and believe that the Government is acting in our best interests by bringing it up (KNA/LND. 25/16/20-1962).

We have agreed as follows because we are persuaded that the ideas for our evacuation to permanent reserves are for the undeniable advantage of our race: We agree to leave the entire Rift Valley, which the government will use for the objectives of European Settlement, by removing the aforementioned areas from the reserve. Kisima is bordered on the east by Kisima; the Laikipia (Ndoror) Escarpment is bordered on the west; the

Loroghi Mountains are bordered on the north; and the Lesuswa or Nyam and Guaso Narok Rivers are bordered on the south. Additionally, it is agreed that the Kaptel, Matapatu, Ndogaland, and Sigarari sections will move to the region they formerly called home, which will include Sosian on the west, the Donyo Lamuyu (Ngongo), the Kiserian stream, the Donyo Lamuyu, Ndogaland, and Matapatu Mountains, as well as the Donyo Narok. Except for the land already held by Mr. Oulton, Mr McQueen, and Mr Paterson, the land between the Mbagathi and Kisearian streams from Donyo Lamuyu to the point where the two streams meet shall be made available for Lenana, as Chief Lybon, and his successors, to occupy.

In addition to the aforementioned, we asked for a right of way so we could maintain contact between the two reserved zones. This right of way should have included some water access. A spot on the Kinangop hills, to be indicated by Legalishu and Masakondi, was also requested so that we may carry out our circumcision rituals and ceremonies there in accordance with our ancestors' customs. We also asked for control of at least 5 square miles of land. We ask that the government establish and maintain a station on Laikipia, and that an officer be picked to look out for us there someone we know and trust. This was one of the most important components. In addition, the Government pays a reasonable price for Masai farming operations that are close to Nairobi. Last but not least, we want to convey our satisfaction with the aforementioned agreement and our dedication to upholding it for ourselves, our successors, and our employees. Nonetheless, we would ask for the current agreement to be intact for as long as the Masai race remains and for permission to allow European or other people to dwell in the Settlements.

## **2.6 Maasai-British Land Agreement of 1911**

The Brits changed the original agreement that had promised the Maasai that they would not be relocated again and once more forced Lenana to sign a new agreement in 1911 while he was on his deathbed since more land was still required for arriving settlers in the new British colony. In order to make room for more European settlement, this coercive project resulted in the eviction of nearly 20,000 people and 2.5 million animals (Hughes, 2006). Other justifications for the move included the requirement for a complex tax system, which could only be implemented if the Maasai were gathered in a single, manageable geographic area, and the requirement to stop diseases from spreading from the Maasai stock to the imported livestock of the European settlers (Hughes, 2006).

The Maasai leaders in 1906, agreed to relocate our people, herds, and flocks to a location on the south side of the Uganda Railway that the governor may choose for us. The location is generally defined as follows and is depicted on the map attached. We consent to departing the Northern Masai Reserve at the governor's direction and travelling along the paths the governor may designate(KNA/LND. 25/16/20-1962).

The Maasai community believed that land in Laikipia belonged to them; the land question remained after the signing of the second agreement with the British settlers. The documentary analysis results show that the Europeans' settlement in Laikipia followed due process, and there were no confrontations. The agreements remain as evidence of the involvement of the indigenous communities before the settlements of the Europeans in Laikipia. The East African Protectorate Governor was given the authority to oversee land transfer between members of different races in 1915 to safeguard the interests of the

European settlers in Laikipia. This action was taken to stop selling land to Asians (Nolte, 1962).

After 1915, to help white immigrants settle in Laikipia after 1915, the East African Protectorate Governor created the Local Settlement Committee. The Local Settlement Committee worked under the Commissioner of Local Government, Lands, Settlement, and Mines. Settlement of people in Laikipia after 1915 had to be recommended by the Local Settlement Committee. The Local Settlement Committee would forward their recommendations to the Local Government, Land, Settlement, and Mines commissioner. The commissioner of Local Government would forward his recommendation to the Governor. Finally, the Governor of the East African Protectorate would approve/disapprove the application based on the recommendations of the Local Settlement Committee and the Commissioner of Land, Settlement, and Mines. For land allocation going forward in Laikipia, one had to apply to the Governor through Local Settlement Committee. Examples of the selected applications that were made and recommended by the committee are:

In 1921, a group of soldiers' settlers who had pooled their interests under the name of Melwa Syndicate, had applied for an area of forest land adjusted to Mrs. Tottenhams form No. 2462, to afford them the water access required to make economic use of their large grazing proposition. The Laikipia land extension Board in 1926 recommended that this application should be granted. Soldiers' settlers who had pooled their interests under the name of Melwa Syndicate, had applied for an area of forest land adjusted to Mrs. Tottenhams form No. 2462, to afford them the water access required to make economic use of their large grazing proposition. The Laikipia land extension Board in 1926 recommended that this application should be granted (KNA/L.140/29/6, May 1937).

Throughout the colonial period, more European settlers settled in Laikipia through the recommendations of the Local settlement committee. The information on the settlement of the Europeans in Laikipia is contained in letters containing the recommendations of the Local Settlement Committee to the commissioner of Local Government, Lands, Settlement, and Mines. An example of such a letter is the letter from the Local settlement Committee on August 30<sup>th</sup> 1934, to the Commissioner of Local Government, Lands, Settlement and Mines. Together with the minutes of the discussion on that date, I also enclose (1) a memorandum giving the objects of the settlement comment together with the recommendations of the committee on the land in the district, which could at this stage be made available for allotment to settlers (KNA/LND.7/4/4/1- August 1934).

Another example is a letter from the acting Commissioner for Local Government Lands and Settlements to the Surveyor General. 'I am to refer to letter No. 15309 of the 6<sup>th</sup> January 1928, from the commissioner of land, a copy of which enclose and the state that his excellency the acting Governor in Council has approved the subdivision recommended in that letter on the terms therein proposed' (KNA 46/2/1/47- June 1928).

The settlement of the Europeans in Laikipia did not only lead to the displacement of the indigenous people but also affected forest reserves. Examples of the documents at the archives showing the excision of areas from forest reserve are: Excisions of the area from forest reserve. The original survey of farmlands in the Thompsons Falls and Laikipia district was done before the First World War. In those days, the district was at the back of beyond the surveyors' fixed beacons upon the most convenient hills for observation and

made them into farm boundary beacons. The result has been that boundaries do not follow the actual edges of the forest, and owing to this undetailed survey, much grassland has been included in forest reserves (KNA/ LND. 7/4/4/1- August 1934). Sir. D.E Hutchins, late conservator of forests, in his report on “Then Forest of British East Africa” page 68, written in 1909, recommends a zone of white settlement, round forests, as the best way of protecting them from destruction (KNA/LND.7/4/4/1- August 1934).

### **2.7 The Ol Ole Njogo and others versus the Attorney General Civil Case No. 91 of 1912 (E.A.P. 1914), 5 E.A.L.R. 70**

Maasai elders under the leadership of Murket Ole Nchoko (spelt incorrectly by the British as Ol Ole Njogo) were adamant about combating the many injustices. To protest the British Colony's conduct, the elders launched a lawsuit. According to the elders, the Maasai, who had the authority to speak on behalf of the entire tribe, had not ratified the 1911 agreement, rendering any action unlawful. Moreover, compensation was sought for the wrongfully seized cattle.

I.The Maasai said the British Colonies wouldn't sign a treaty with its citizens. The elders questioned Olonana's ability to speak on behalf of the tribe and inquired as to how he had come into possession of the power to negotiate on their behalf. The agreement was also deemed invalid since comparing the thinking abilities of the educated British Governor, and the illiterate Maasai elders was impossible. The Agreement of 1911 , according to the Maasai, was invalid for the following reasons:

- i. The defendants, who are Maasai, were never given the plaintiffs' or other Maasai's permission to agree to it on their behalf.
- ii. The Laikipia Maasai's minors and unborn children's interests in the Laikipia district were not subject to alienation by the Defendants under any circumstances.
- iii. Neither the Maasai of Laikipia nor the Maasai generally benefited from it. The government also had a fiduciary relationship with the Maasai and gained financially as a result of the 1904 Accord and later Secretary of State pronouncements.
- iv. iv. The Maasai, particularly the signatories, did not get impartial legal counsel prior to signing. The Maasai warriors are the ones who make the choices, despite the British government having spoken to elders. This oversight reminds me of when they believed Olonana was the Maasai leader. The elders' legal challenge cited the following:

- (a) (a) That the Southern Reserve, where their livestock was being transported, was infested with tsetse and east coast fever
- (b) (a) That the cost of depreciating the cattle moved was projected to be pounds 100,000.

(c) The Maasai people were not bound by the Agreement. The British Crown protested on the grounds that the case couldn't be heard and decided by local courts. They argued that the 1904 and 1911 Agreements constituted treaties. As a result, the claimed confiscation became a question of state law and international law applied to the case. In a case presided over by Judge Hamilton, a white judge, and with a white prosecutor, the Maasai

elders were represented by Mr. Morrison, a white solicitor. C.J. Morris Carter, Bonham Carter, and J.J. King Farlow heard the appeal before the Court of Appeal for Eastern Africa. The translator was a member of the Akamba community. English and Anglican law was considered to be in force. Land's alienability would not have been acknowledged by Maasai law.

### **The Verdict**

The Mombasa High Court dismissed the Maasai case on May 26, 1913. The Maasai state and the British colony signed into separate international treaties in 1904 and 1911, respectively, according to the East African Appeal Court ruling. In the eyes of the guardian power, the Maasai were aliens. The court ruled that the Masaais are subjects of their chiefs or their local government, in whatever form that government may actually take. The court frequently cited precedents and cases from India.. For example, The Privy Council case of the Secretary of State for India versus Kamachee Boye Sahaba cited Lord Kingsdowne.:

*“....it may have been just or unjust, politic or impolitic, beneficial or injurious, taken as a whole, to those whose interests are affected. These are considerations into which their Lordships cannot enter. It is sufficient to say that even if a wrong has been done, it is a wrong for which no Municipal Court of Justice can afford a remedy.”*

International law must be followed to bring the case, hold a hearing, and reach a decision. The elders lost the case due to a technicality. According to the Crown, British East Africa was a protectorate rather than a British property. The Maasai were not considered to be

British subjects with the associated legal recourse rights. When the crown sought compliance, the Maasai were denied their rights.

### **Appeal**

The Maasai had limited power to appeal to the British Privy Council. It is assumed that the Privy Council would have examined the constitutionality of the Government's conduct. In light of what their solicitor indicated, I encouraged my clients to appeal. Due to severe pressure and their inability to offer security for fees, the Maasai were forced to withdraw the case without filing an appeal with the Privy Council.

The colonial policy in Kenya required native Africans to cede their land rights to Europeans. Despite being founded in 1934 to conduct an investigation, it is thought that the Kenya Land Commission did not achieve its full potential in balancing the land rights of Africans and Europeans. In 1962, a Maasai delegation of nine people travelled to the Lancaster Conference to discuss getting their community's land back. Mr. J.L. Konchellah, Mr. Jason ole Sein, Mr. Justus ole Tipis, Mr. Likimani, and Mr. Philip Lemein were all part of the delegation, which was headed by Mr. John Keen (Daily Nation, September 2<sup>nd</sup> 2004). Haroun Lempaka claims that the nine did not sign a contract until a clause requiring them to receive their land back had been added. No agreement has been reached even as of yet. Despite their best efforts, the Maasai community was unable to succeed in reclaiming their territory during the colonial era (HR/GENEVA/TSIP/SEM/2003/BP.7- December 2003).

## **2.8 Chapter Summary**

The Maasai group lost land in Laikipia by signing the 1904 and 1911 accords, according to the history of land ownership during the pre-colonial era. According to the Maasai community, many grey areas existed in the signed agreements. They alleged that their leaders signed the agreement under duress. Their attempt to seek justice in the court of law in 1913 was not successful. The Maasai community lost the case even after appealing the earlier ruling. During the rest of the colonial period the Maasai tried in vain to reverse the status of their land this proved to be in vain.

## **CHAPTER THREE**

### **ESCALATION OF LAND CONFLICT IN LAIKIPIA AFTER INDEPENDENCE, 1963-2002**

#### **3.1 Introduction**

This section presents a historical account on land resettlement after independence in Kenya. The post-colonial land policies in Kenya have also been presented. The chapter also examines the function of politicians in Kenya's Laikipia county in the years following independence. The information in the chapter provides an understanding of the dynamics of land ownership in Laikipia County in post-independent Kenya. After independence, the area witnessed the influx of local immigrants, namely the Kikuyu, Kalenjin, Kisii, Luhya, Somali and Ameru communities. Most of the white settlers continued occupying their land and practised commercial ranching. The livelihood dynamics in Laikipia accelerate land conflicts threatening peace and stability in the region with farmers and pastoralist land competing for space to expand their territories. The Laikipia ranches served an unseen purpose by serving as a barrier between the pastoral communities and subsistence farmers in the surrounding counties and the remainder of Laikipia. The role played by various politicians has also been discussed in the chapter. The key politicians discussed in the chapter are Jomo Kenyatta, Daniel Toroitich Arap Moi, Godfrey Gitahi Kariuki (G.G), and Dickson Kihika Kimani

### **3.2 Resettlement during the Reign of President Jomo Kenyatta (1963-1978)**

Jomo Kenyatta served as Kenya's first president upon its independence. After independence, the majority of the so-called "Crown Land" from the colonial era was classified as being owned by the government. According to Wakhungu et al. (2008), the native reserves turned into trust land but were still overseen by statutory trustees, County Councils, and the Commissioner of Lands. Despite new legislation requiring that the interests of customary land occupiers should be a top priority when decisions are made to alienate or otherwise deal with trust land, in practise trust land was usually handled as government property. The colonial land laws that were implemented and extra legislation that was antagonistic to the Maasai and pastoralists in general throughout the independence age of Africa permitted the Kenyan government to continue stealing land. With Group Ranches and Trust Lands, the post-independent government grabbed considerably more land, which led to significant land subdivision and individualization, a process that only benefited the wealthy and powerful. The majority of Maasai territory was appropriated and annexed in defiance of the law and legislation protecting universal human rights (Koissaba, 2014).

The colonial government and Kenyatta administration agreed to keep the enormous commercial ranches, although some settlers chose to leave or sell their land to the Kenyatta administration. (Letai, 2011). The Maasai community continued fighting for their land and denounced the 1904 and 1911 agreements. The Maasai claim that their leaders signed the treaties under duress, which is enough to invalidate the deals. Although the treaties were made with the British colonial government, both the British and Kenyan

governments received requests for the restoration of the territory. When Kenya attained independence in 1963, it was a new dawn and a new beginning for Kenyans who had suffered and were displaced from their homes during the colonial period. The freedom fighters were happy to return home after spending many years fighting in the forests. It was freedom at last, and the difficult task was to build a better nation ahead. The independence allowed the Kenyan people to build a desired nation free from arrest without trial, displacement from homes, and land conflicts.

The first President, Jomo Kenyatta, understood well that the task ahead was difficult and required all Kenyans to pull resources together, introducing the '*harambee*' philosophy. As soon as Kenya gained political independence from its colonial overlords in 1963, its first president, the late Mzee Jomo Kenyatta, started the harambee campaign (Noreh, 1988). Perhaps the Harambee movement motivated the establishment of land buying companies that led most people to settle in the former highlands. In the land-buying companies, people contributed funds equated to a number of shares they intended to buy. The individuals who had access to funds after independence could acquire more land. Those who had little funds or did not find the need to buy shares in those companies waiting to acquire the land free of charge ended up as squatters in their own country. On 27 May 1963, before independence, President Kenyatta delivered a speech to the Nation underscoring the importance of working together in building a strong, united Kenya(<https://www.un.org/africarenewal/magazine/august-2010/visions-independence-then-and-now->  
[accessed on 11 October 2021](#)).

After independence in 1963, the hard work of building Kenya began. Kenyans had a lot of expectations, especially on the Land question, since the Europeans had to leave the

country. The independent government tried to resettle people in the former European farms by establishing the Settlement Fund Trustees though all Kenyans did not welcome the approach. Some Kenyans welcomed the approach of buying the land from the Europeans, while others expected to get back the land free of charge since they believed that the land had been taken from them. Kenyans' expectations led to different perceptions and suspicion that was blamed for the frequent land conflicts witnessed in Kenya.

Farms in the former white highlands were taken over by the Settlement Fund Trustees and thereafter sold it to; *Mutukania* Company Limited, the Million Acre Settlement Scheme, and Laikipia West Company Limited, among the various land-buying companies (RoK, 2002). The land use in Laikipia changed from ranching to small-scale mixed farming during this time (Kiteme et al., 2008). This is because many of the large-scale properties were sold and divided, which resulted in an influx of immigrants, mostly from Central Kenya due to the potential for potato production. The government in independent Kenya was dedicated to helping Kenyans acquire land from the British settlers. A Million Acre Settlement was one of a such avenue that enabled as many Kenyans to buy land. The Million Acre Plan was designed to Africanize the White Highlands, integrate the new African elites into colonial political, economic, and social structures, and stop the native population from building up a critical mass that would challenge colonial policies after independence. The Land Development and Resettlement Board was established to oversee the resettlement of about 20,000 families in order to streamline the procedure. The plan, which was a component of the independence talks,

was to be funded by the World Bank and the British government and given to the Kenyan government after independence.

The scheme was supposed to purchase 240,000 acres from the White Highlands, divide them into 100-acre parcels, and sell them to chosen African families (Syagga , 2011). Loans were to be made available to individuals with the ability to repay them and those who had the money to purchase the land on a willing-buyer-willing-seller basis (KLA, 2004). The Million Acre Settlement Plan in the Rift Valley resulted in strong competition over who would receive benefits from the initiative, yet land remained scarce (Berman & Lonsdale 1992). The fierce competition led to the emergency of two camps in the settlement process. On the one hand were the landless Kikuyu community members who could not get land in the overpopulated Kikuyu reserves and had lived as squatters in white-owned farms. This group claimed that the Million Acre Settlement programme offered them a chance to reclaim farmland that had been taken away by the colonial government.

On the other side, certain Kalenjin and Maasai tribes claimed ownership of the Rift Valley because they had lived there before European settlers arrived. The Maasai group claims it pertained to ownership of Laikipia, which was occupied by British settlers. Although the Maasai communities in Laikipia were hesitant to sell the land they thought to be their own, the Million Acre Settlement Schemes allowed the landless Kikuyu to acquire land. The Million Acre Settlement Plan wasn't the first programme of its kind to aid in the purchase of land by Kenyans. The failure of a similar programme in 1961 was owing to a shortage of readily available acreage, which allowed for prices that no African

could afford (Leo, 1981). The Million Acre Settlement Scheme succeeded because at the time, the British settlers were ready to leave Kenya on the onset of independence, which made the prices of land to go down due to a high number of settlers selling their land. This programme allowed members of the landless Kikuyu community to purchase property in Laikipia and the Rift Valley. The Kikuyu community members were successful because they were able to band together and create land-purchasing organisations because they were wealthy relative to the Kalenjin tribes due to their involvement in farming under colonial authority and involvement in commercial endeavours.

Though the Million Acre Settlement Scheme succeeded, not all Kenyan communities benefited from it. Leo (1981) asserts that due to pre-colonial ownership, the Kalenjin and Maasai ethnic groups did not pay for the property they had previously claimed to be legitimately theirs. The Million Acre Settlement Program made it possible for Kikuyu settlements, including Laikipia, to continuously move into the Rift Valley despite the latter's refusal to pay for the land and insistence that they be given it back for free. The Kalenjin and Maasai groups were not happy with the influx of the Kikuyu in what they believed was their land. This was the starting point of the conflicts witnessed in the Rift valley since the 1960s. Implementing the resettlement strategy led to the assumption that Central Province land acquisition firms were preferred (RoK, 2002).

Government-sponsored settlement programmes led to an ongoing influx of people who banded together to buy real estate through cooperatives backed by the wealthy (Rutten, 2001). Out of the district's 218,957 residents, 146,607 (or 74% of them) were Kikuyus in

Laikipia between 1969 and 1989. Government settlement programmes in Laikipia, such as the Million Acre Plan, the Shirika Schemes, the Haraka Schemes, and the Nyandarua Schemes, all of which benefited the Kikuyu communities primarily with a view to reducing instability, were able to meet the demand for land (Kohler, 1987). By 1977, black Africans, primarily the Kikuyu, Embu, and Meru tribes, owned around 95% of the former White Highlands. By 1989, the Agikuyu, who were believed to be "newcomers," numbered approximately thirty-five percent of the Rift Valley population. There were long-lasting racial tensions as a result of the wrath of other ethnic groups. Pastoralists who feel they were unlawfully evicted from their ancestral property and that the presence of these other people violates their grazing rights in the area have long been concerned about the sale of historic European farms to other populations (RoK, 2002).

The settlement of the Agikuyu community in Laikipia increased the existing conflict between the British settlers and the Maasai community members. The Agikuyu communities were farmers, while the Maasai communities were pastoralists, which led to agro-pastoral conflicts. Unlike to the dispute with the British settlers, which was mostly about pasture, the Agikuyu and pastoralists fought for access to resources like water and pasture. It was also common for cattle to graze on farmers' crops (Campbell et al., 2009).

The regime of Kenyatta promoted the creation of private land-buying corporations in the late 1960s and early 1970s, many of which were led by prominent members of the regime and politicians. After acquiring or leasing farms or estates in the erstwhile White Highlands from the government, typically from the Settlement Fund Trustees, land-buying businesses distributed their holdings among individual (family) owners (SFT).

By purchasing stock in the enterprises, many common Kenyan residents, primarily Kikuyu and Luo, were able to purchase land in the Rift (Berman & Lonsdale, 1992).

In Laikipia, in addition to resettling private landowners, community land ownership was also practised. In order to formalise collective property ownership and turn traditional Maasai land tenure into a legal framework, Group Ranch Projects were carried out on Maasai traditional territory. When it was put into practise, though, it resulted in numerous conflicts since ranchers in a certain Group Ranch could not agree on how to use the land. The difficulty in regulating overgrazing and illicit grazing led to an increase in factionalism and disagreements (1984, Evangelou).

### **3.3 Role of Politicians in settlement of People Laikipia in the Post-Independent Era**

The key politicians who played a significant role in the settlement of people in the present Laikipia in post-independent Kenya are: Jomo Kenyatta, Daniel Toroitich Arap Moi, Godfrey Gitahi Kariuki (G.G), and Dickson Kihika Kimani.

#### **3.3.1 Role of Dixon Kihika Kimani in the settlement of People in Laikipia**

The first Kenyan to be elected as an MP for three constituencies—Nakuru North, Laikipia West, and Molo—was political firebrand Dixon Kihika Kimani. From 1974 until 1979, he represented Nakuru North, Laikipia West, and Molo as a member of parliament (Kabingu, 2018).

Dixon Kihika Kimani promoted the creation of "ngwataniro," or joint land acquisition corporations (coming together). Kihika Kimani embraced Jomo Kenyatta's Harambee philosophy and came up with a practical solution for the landless people. In particular, Mutukanio Company Limited and Laikipia West Company Limited, which were formed due to Kihika Kimani's advocacy, were crucial in establishing villages in Molo, Njoro,

Laikipia, and Nakuru. The majority of the Kikuyu community's members were shareholders in those land-buying businesses. Most people living in Ol Moran in Laikipia are stockholders of land-buying businesses (RoK, 2002).

According to the Akiwumi Report, each shareholder could purchase as many shares of the firm as he could afford at the price of 1,057 shillings per share, giving him the right to 21/2 acres per share. Contrary to the belief among the pastoral communities that the members of the Agikuyu community were favored in the resettlement process in Laikipia, the Republic of Kenya (2002) or known as the Akiwumi Report, found that the Kikuyu were in a better financial situation because they had learned earlier to seek for financial support from banks and other money lending institutions to raise their standard of living. They were able to establish businesses in the new towns besides farming because of their higher economic standing, including shops, taverns, and restaurants, milling operations, and motor transportation industries.

Several non-pastoral tribes were also members of these businesses, contrary to the impression that was fostered in independent Kenya that the land-buying companies favoured members of the Kikuyu community. Agriculturists from the Kisii, Somali, Luhya, and a few other minor tribes purchased some shares from Mutukanio Company Limited and Laikipia West Company Limited investors and settled in Laikipia, (Akiwumi Report, 2008). Although the majority of pastoralist societies, like the Maasai, were unwilling to purchase stock in those firms because they felt that the land belonged to them, their pastoral lifestyle may have also played a part. The majority of these pastoral

tribes live in Manyattas and migrated from time to time in search of pastures for their livestock and could not have seen the need to settle in a piece of land.

### **3.3.2 The Role of G.G Kariuki in the settlement of People in Laikipia**

In 1963, Godfrey Gitahi Kariuki was elected as the first representative for the Laikipia Constituency. According to Nyambura (2013), in 1970, G.G. Kariuki called a meeting of local authority leaders at Muthengera to discuss potential solutions after observing constituents' challenges about land acquisition and settlement. Wahome Gichachi, a councillor, presided over the meeting. The attendees of the meeting agreed to establish a land acquisition firm after G.G. Kariuki made a speech about the necessity of doing so. A board of directors was established, with Mutahi Maina as treasurer, Solomon Kiguro as secretary, and G.G. Kariuki as the managing director and chief trustee. In order to address their domestic issues, G.G. Kariuki urged women in Laikipia to organise self-help groups in 1971.

Women's groups were urged to purchase land in shares when the land corporation was registered. Five acres of land were purchased for 1520 shillings per person. A further 200 shillings were required to cover the registration charge, bringing the total required to Ksh. 1720. The firm bought 16,000 acres at Mwenje in Ol ngarua, Laikipia, and relocated 3000 families there by 1975. The business purchased 51,000 acres near Sipili in 1973. The Ngwataniro Farmers Company, commanded by Kihika Kimani, received the remaining 51,000 acres of the original 102,000 acres. The company acquired 35,000 acres in Ndurumo in 1974, including 1,600 acres at Igwamiti, 3000 acres at Gatero, and 1500 acres at Marmanet. Later, the firm acquired an additional 1,000 acres in the same

region for the Nyakinyua women's organisation. The company has relocated 10,000 families by 1982 and 20,000 families by 1983.

G.G. Kariuki was able to obtain loan facilities through discussions with multiple banks in order to assist members who were unable to raise the necessary sums. Those who lacked Ksh. 1, 720 had to pay only 20 shillings to receive a five-acre plot of land (Nyambura, 2013). The honour of serving the administrations of Presidents Jomo Kenyatta, Daniel Arap Moi, Mwai Kibaki, and Uhuru Kenyatta was bestowed upon G.G. Kariuki. The wealth of experience that the G.G. gained while serving these governments contributed to the massive development of Infrastructure, Schools, settlement of people, and reconciliations among communities in Laikipia and its neighbouring environments.

### **3.4 Land Conflicts in Laikipia during the Reign of President Moi (1978-2002)**

Historical injustices may have had a significant contribution to the frequent land conflicts in Laikipia during the first government in independent Kenya under President Jomo Kenyatta; the situation was not different during the second government under President Daniel Toroitich Arap Moi. When President Daniel Toroitich Arap Moi took office in 1978, the second government of the country of Kenya was put into place. As his regime became more active in using land allocation and the land-restitution issue as tools, the Kalenjin groups, the Maasai, the Turkana, and the Samburu, or KAMATUSA, and other ethnocultural groups claiming to be native or indigenous to the Rift Valley started to form a cohesive ethno-political constituency (Lynch, 2008).

Southall (2005) claims that under Moi, government forest holdings turned into a caissenoire of patronage resources starting in 1986. In order to reward the leader's allies and win political support, these resources were used. When the eviction of forest squatters from the Kenyatta era began in 1986 and new forest land was subsequently declassified, Moi was able to use this land frontier to force the relocating of thousands of families from the Kalenjin and related communities, which he actively supported as his political base. On government-owned forestland, farming communities had grown into constituencies that were influenced by the whims of regime dignitaries. The agitation for Multi party in 1991 during the second liberation struggle led by Kenneth Matiba was countered by '*Majimbo*' narrative by pro-government Member of Parliament. '*Majimbo*' narrative advocates for communities to be relocated and go back to their original homeland.

In 1992, this was a turning point on peace and tranquility in post-independent Kenya. For the first time in Kenya, people were displaced, properties destroyed, houses burned and young boys killed. Laikipia was not spared either as members considered outsiders were evicted from their homes, properties burned, and their animals stolen. However, there were growing tensions as a result of the influx of the Agikuyu community in Laikipia. In 1991/1992, before the general election, tribal clashes erupted, displacing thousands of people from their land. A seed of tribal animosity had been sown, the greatest obstacle to peace and cohesion in Kenya.

On October 29, 1991, in a farm known as Miteitei, located in the middle of Tinderet Division, in Nandi District, tribal hostilities between the Nandi, a Kalenjin tribe, and the

Kikuyu, the Kamba, the Luhya, the Kisii, and the Luo began (Akwumi Report, 1999). When the stockholders of Miteitei Farmers Company Limited could not agree on the amount of farmland that would go to each of them, a disagreement arose. The other stockholders wanted the farm divided among them, the Nandi, however, insisted that they each have at least five acres each portion.. Genuine shareholders were expelled during these tribal conflicts from what was, by law, their property; the Nandi thereafter shared this land because the expelled individuals were trespassing on other people's property. Second, the Nandi abhor foreigners living among them and, worse even, owning land among them, much like all other Kalenjin. The conflicts appear to have been initiated with the intention of expelling the "foreigners," also known as "*madoadoa*," from the area (immigrants).

The 1991/1992, though started as a political contest, set a bad precedent on tribal clashes that spread in many other parts of Kenya, including Laikipia, where people were evicted from their land in almost every electoral cycle. The land conflicts during the reign of President Moi took a different turn and turned into tribal violence. Though the government is supposed to protect its citizens and their properties, during these clashes, the citizens were on their own. Houses were burned in broad daylight, people were killed, and the police did not take any action.

### **3.5 Kenya: The Struggle for Multiparty Democracy**

The struggle for multiparty democracy degenerated into a land conflict in Kenya in 1992. Kenya was a one-party state up until December 1991, when the ruling Kenya National Union (KANU) decided to implement a multiparty political system at a special meeting.

The agitation for the introduction of a multi-party system degenerated into ethnic conflicts and displacements of people from their land. The pro-government politicians were not comfortable with the agitation for the Multi-party system. Pro-government politicians advocated for 'Majimbo' to counter the multi-party movement through political rallies. As observed by Akiwumi report, during those rallies, sentiments against different ethnic groups residing in Rift valley were common.

Senior Moi government officials publicly ran for office on a platform of expelling settlers from the Rift Valley and redistributing land to the regime's own supporters. Beginning in late 1991, politicians from the ruling party urged the Maasai and the Kalenjin alliance of smaller groups to demand that "settlers" be evicted from their homes and forced to leave. Politicians promised to return land in the Rift Valley to its "original owners," who had previously been denied it twice—once by the colonial state between 1905 and 1920 and again by the Jomo Kenyatta government in the 1960s and 1970s (Republic of Kenya 2002).

The political rallies of September, 1991, which were held at Kapsabet, in Nandi District, Kapkatet in Kericho District and Narok in Narok District, and addressed by largely Kalenjin political leaders, must be looked at against that background. The Kalenjin political leaders who included Henry Kosgey, Kanu Chairman in Nandi, Ezekiel Barngetuny, and John Cheruiyot, all from Nandi and who were and still are Kanu stalwarts, advocated and preached "*Majimbo*" during those rallies. "*Majimbo*" according to the evidence presented to us was not federalism in the real sense of the word, but an arrangement in which each community would be required to return to its ancestral district or province and if for any reason they would be reluctant or unwilling to do so, they would by all means be forced so to do. The *majimbo* rallies, which were widely publicised in the print media, and whose proceedings were confirmed by witnesses who were present among them, John Keen and Willy Kamuren, were intended to counter the then ongoing campaign for the reintroduction of plural politics in Kenya (RoK, 2002).

The situation worsened during the election period when politicians used Land as an election agenda. With the exception of the 2002 elections, every election held in Kenya since multi-partyism was restored in 1991 has been marked by land disputes, violence, and population displacements. In an effort to counter the political threat of multi-partyism, President Moi described the opposition as Kikuyu-led and focused on acquiring property. Although not fully or formally defined, he invoked majimboism, and it was perceived as a "get the land back issue." In the Rift Valley and western Kenya, Kikuyu were driven out of places where they had lived in order to reclaim "stolen" land. Areas with so-called "newcomers" of the Kikuyu ethnic group were the focus of much of the violence. Throughout the 1990s, conflicts resulted in over 350,000 displaced people and thousands of fatalities. Nonetheless, Moi's political exploitation of land issues assisted him in winning the 1992 and 1997 elections (Wakhungu et al., 2008).

Elections, supposed to be a democratic process for citizens to elect their leaders to champion for their rights in Laikipia, leads to ethnic tensions. Though people might want to blame the election as the cause of the violence, history has shown that before the clashes, tribal animosities, and tensions are heightened by the circulation of leaflets warning the non-Maasai and non-Kalenjins against the continuous occupation of land in the area. For instance, some unsigned letters threatening them with death unless they left the area were addressed to a few Kikuyu farmers who had land in Laikipia or held various leadership positions there prior to the violence in January 1998. (Akiwumi, 1999). Non-Kalenjin or non-Maasai people were targeted in every battle in Laikipia; their homes were burned, their possessions pillaged, and in some cases, they were murdered or wounded using crude weapons.

During President Moi's administration, the Maasai and British ranchers continued to have land disputes. Pastoralists dragged their animals into Loldaiga Farm in May 2000. The Moi administration then stepped in and permitted pastoralists access to the Mt. Kenya and Aberdare forests, and large ranchers backed the administration by permitting some animals on their properties (Letai, 2021).

### **3.6 Chapter Summary**

The concept that people have an impact on history is the Great Man Theory's most significant contribution to the study of history. G.G. Kariuki and Kihika Kimani played a significant part in the resettlement of the population in Laikipia County, altering the path of its history, and challenging the notion that history is a completely predetermined process. The majority of the families who settled in Laikipia County were shareholders in land-buying businesses that, thanks to the efforts of the Kihika Kimani and the G.G. Kariuki, purchased farms in the region in the 1960s and 1970s. The two leaders aimed at resettling communities without discrimination since shareholders of these companies were from different communities. The role of politics and politicians in using land to fuel tribal animosity was very successful during the reign of President Moi. If that were to be used as a scorecard for their political success, they could have surpassed expectations.

## **CHAPTER FOUR**

### **THE CHANGING NATURE OF LAND CONFLICT AND CONFLICT**

#### **RESOLUTION MECHANISMS IN LAIKIPIA (2003-2021)**

##### **4.1 Introduction**

The chapter presents the land conflicts from 2003 to 2010 and their impacts of people and their livelihoods. The chapter also analyses the various conflict resolution mechanisms in place at the household and community levels in Laikipia. With the promise of land restitution or resettlement for the tens of thousands of internally displaced people under the previous two regimes, the third government of the republic of Kenya took office with this promise. The Ndung'u land commission was commissioned, and the National land policy was initiated. The period saw changes in the dynamic of land conflicts from political to weather extreme, sand harvesting, beliefs regarding livestock, emergency of pastoral entrepreneurs, and emergencies of commercial cattle rustlers, absentee landowners, and commercial land-buying companies.

##### **4.2 Land Question during the Reign of President Kibaki**

In June 2003, Kibaki created a commission with 20 members called the "Commission of Inquiry into the Illegal and Irregular Distribution of Public Land," which was led by Paul Ndungu. The 1980s and 1990s were a primary focus of the Ndungu Commission's findings, which was released in December 2004, claims Southall (2005). At this period, Southall prophesied, "property was no longer awarded for development goals but as a political reward and for speculative purposes." The report gave voice to what the

majority of Kenyans had long accepted as a fact that existed before the Moi regime, and it brought Kenya's land politics to the attention of outside donors, such as the British Department for International Development, putting the very survival of the state and society in danger. The Ndungu Commission focused the majority of its criticism of the status quo on the extreme centralization of the president's land allocation powers and on the arbitrary use of these powers in the former White Highlands, where the government owned or controlled so much property (Boone, 2012).

During their protests against the non-renewal of land leases that they felt had already expired in 2004, pastoralists once more occupied commercial ranches. This time, the Kibaki administration moved to remove them with violence. Unfortunately, the issue of land leasing has yet to be settled. A number of variables, such as the effects of climate change and more regular droughts that drive pastoralists from the nearby Baringo, Isiolo, and Samburu into Laikipia in search of water and pasture, have contributed to the increase in the frequency of violent outbursts since 2009. Conflicts with ranchers whose land they drive their animals onto result from this eventually (Letai, 2021).

#### **4.2.1 The Dynamic of Land Conflicts**

Laikipia County frequently saw land disputes between pastoralists, farmers, and ranchers, which resulted in the deaths of people and animals and spread fear and uncertainty throughout the area. The causes of land conflict in Laikipia have been changing with time making it difficult to address them. Land conflict trends since the colonial era have not followed a linear pattern but a complex web in tandem with the modern world's dynamic socioeconomic, technological, and political realities. With these early patterns either

changing hands or altering their initial investment objectives, a new pattern of land ownership and usage has emerged (Letai, 2011).

Efforts by the Maasai community and their leaders to reclaim Laikipia has not been successful since independence since the signed treaties are valid, binding legal documents that allowed the British settlers to settle in the region. The Maa Civil Society Forum presented a memo on the issue of the dispossession to the Kenyan government and the British High Commission in Nairobi in August 2004 (MCSF, 2004). William ole Ntimama said that the colonists forced the Maasai community to sign the treaties under duress and that the territory was acquired at the point of a rifle (Daily Nation, September 2<sup>nd</sup>, 2004). The 1911 Maasai land agreement was the foundation for the previous lands minister Hon. Amos Kimunya's claim that the pacts secured colonialists' land occupation in Laikipia for 999 years. Given the situation, he called the Maasai teenagers' invasion of the Laikipia area "illegal and unjustified," and he threatened to prosecute those who incited the boys (Daily Nation, September 2<sup>nd</sup> 2004).

The three FGDs held were in agreement that settlement of the British ranchers who own large parcels of land, frequent droughts, a pastoralist who migrates from the neighbouring counties of Isiolo, Samburu and Baringo to Laikipi and lack of well-defined beacons as a major source of conflicts in Laikipia North Sub-County. However, there were other causes that came from individual groups that are presented. According to FGD I: cattle rustling and common water source during drought and famine leads to conflicts, especially when individual herders insist that their animals will take the water first and are not ready to follow the queue. According to FGD II: lack of title deeds, land

inheritance, and cattle raiding have been the leading causes of land conflicts, while FGD III found land buying companies, political incitements, especially during political campaigns, and insufficient pasture, especially during the dry season as a major cause of conflict due to competition for the scarce grazing field that makes the pastoralist to drive their animals into people's farms.

#### **4.2.2 Pastoralist Beliefs Regarding Livestock**

The beliefs and customs among the Maasai are to blame for the regular incidences of cattle rustling witnessed in the area. The Maasai have a cultural and sentimental relationship to their livestock, and because of this, any interference with it causes them to become upset and angry (Akiwumi, 1999).

According to Chief Samuel Putonoi of Ilpolei Location:

The Maasai community believes that they came from heaven with their animals and could not allow other communities to keep them leading to increased cattle rustling when they raid animals from other communities who keep them. This leads to counter raids of livestock which increases after incidences of drought and famine in their attempts to restock (Putonoi, 2019).

According to Grace Muthoni:

If you want peace with the herders avoid keeping animals, they will come for them. One can sleep peacefully in this area with 70,000 Kenya shilling after selling their onions while a neighbor is terrorized by raiders because of a goat. The Maasai also argue that crops planted by farmers are just grass and the earth belongs to God making them destroy the farmers' fences to let in their animals such as camels, sheep and cattle's into the farms especially during drought seasons (Muthoni, 2019).

### **4.2.3 Sand Harvesting within the Group Ranches**

Sand harvesting is also an emerging cause of frequent conflicts in Laikipia's north sub-County between 2003 and 2010. Results obtained from respondents by use of questionnaires show that, sixty-three percent of the land in Laikipia North was on leasehold owned by ranchers, twenty-five percent of the land was communally owned while twelve percent of the land is individually owned. The communally owned land is under the Maasai group ranches. Sand harvesting takes place in the group ranches. The proceeds of sand harvesting are only supposed to benefit original group ranch members through paying hospital bills and education for their children. The residents that are non-members of the group ranches are denied proceeds of sand harvesting.

According to Albert Lelumani:

Majority of the communities in Laikipia feels that sand harvesting should be carried out by all and should not be reduced to '*members only club*' rising tension in the area (Lelumani, 2019).

The cattle dips within the group ranches are also the source of conflicts in Laikipia north this is because unlike in the past when they only benefitted group members, many other pastoral communities have migrated to Laikipia and their animals too also require the same services. The other major cause of conflict is the group ranches boundary disputes. Most of the group ranches are not demarcated, and they have relied on historical landmarks, which are a source of conflicts, especially to the young generations.

#### **4.2.4 Environmental Extremes in Laikipia North sub-County**

Extreme weather events such as drought and famine trigger conflict in arid and semi-arid regions due to suspicion between the herders and the farmers. Fodder scarcity brought on by drought raises the possibility of a confrontation between farmers and herders (World Bank 2013). There is always a blame game as the herders blame the farmers for using the water to irrigate their crops while the headers drive their animals into farms.

During times of drought, pastoralists in Laikipia unlawfully drive their livestock into ranches owned by Europeans looking for grass and water . The pastoralists grazing their Livestock in Laikipia are not only the Maasai but include the Samburu from Samburu County and the Pokots who come from far as East Pokot and are mostly armed. Any efforts by security forces to drive the pastoralist out of the European-owned ranches resulted to bloody confrontations because they are also armed. On the farms of the agriculturists, the pastoralists also graze their livestock, occasionally even on the crops being grown there. Unlike the European ranches that are guarded by armed security personnel who confront the pastoralist, the farmers watch helplessly as their crops are destroyed, and any efforts to protect their crops expose them to the bullets of the herders. Land disputes between pastoralist communities and ranches in Laikipia and agriculturalist groups and villages have been brought by allegedly illegal grazing throughout the years (RoK, 2002). Since 2009, politicians have also encouraged pastoralists from neighbouring counties to relocate to Laikipia by promising them safety in exchange for their support. Additionally, there are allegations that politicians have aided pastoralists in obtaining weapons and that prominent government officials and

politicians own the majority of the animals being grazed on private ranches and farms, and they have urged the government to refrain from taking action against the pastoralists (Letai, 2021). Though drought is a natural phenomenon, and it's not fair to blame any human being for its presence, politicians exploit herders to invade and destroy ranches with the ultimate hope of occupying them for themselves. In the 2017 general election, which coincided with a drought episode, witnessed deadly confrontations between the agent's security and the herders who had been mobilized to drive their animals to privately owned ranches. According to Graham (2018), Matthew Lempurkel made a number of attacks against white landowners in 2017 to increase his popularity among pastoralists as he ran for reelection to the House of Representatives. Lempurkel, an ethnic Samburu with extensive political connections in the area, offered land in exchange for the assistance of leaders from nearby counties in launching a bloody invasion of Laikipia that was intended to exacerbate tensions between landowners and pastoralists. In response to Lempurkel, livestock owners throughout the area started transporting enormous herds of cattle to Laikipia as their own animals struggled to survive in the midst of the drought.

The crisis created by Lempurkel at the time created an opportunity for Sarah Korere a peace crusader who had spent much time championing peace in Laikipia North. According to the proverbial saying about the business of life, an optimist sees an opportunity in every disaster, whereas a pessimist sees a disaster in every chance. The crisis of the moment was an opportunity for Sarah Korere, the Jubilee candidate in the 2017 general election contesting for the Laikipia North Member of Parliament position. Sarah managed to persuade the majority of ranch owners that she was their greatest chance for stability in the county by visiting vulnerable areas of Laikipia and speaking

with ranchers who, in some cases, were boarded up in their homes. She disclosed that some white landowners had openly expressed their support for Lempurkel after winning the polls because they were worried about what would happen if he were to be re-elected. Some viewed the whites' efforts to placate Lempurkel as a betrayal. Given the fear she knew the ranchers had gone through, she stated she did not hold them responsible. During the election year, everyone was quite frightened, Sarah remarked. If Matthew had won re-election, "I truly don't know what many of us would be doing now" (Korere, 2018)

#### **4.2.5 The emergency of Pastoral Entrepreneurship**

Traditionally pastoralists kept a large herd for prestige and pride. The people who had a large number of livestock were likely to be appointed as the village elder or chief. However, the players in pastoralism business have changed over time and it may no longer be an example of a low technology system in arid and semi- arid land but a lucrative venture for the elites who hire young uneducated jobless youth and supply them with guns and food to enable them look for their animals. George Natembeya (2021) asserted that the animals grazing on the conservancy's land and the surrounding ranches are not owned by the armed herders. It is owned by extremely wealthy individuals who provide them with an adequate amount of food, weapons, and ammunition. It's no longer easy to differentiate between a traditional Maasai herder from the paid Maasai men who are herding animals for the elites. Most of the elites involved in pastoralism are rich politicians who can circumvent the justice system and use their influence to occupy privately owned ranches illegally.

#### **4.2.6 Commercial Cattle Rustling**

Cattle raiding has a long history and was historically used to redistribute wealth among pastoral civilizations (Hendrickson et al., 1996). However, the study found that cattle raiding in Laikipia is no longer cultural practice, but it is turning into a commercial venture. A new player has joined raiding for commercial enterprises where animals are stolen and transported to urban areas for sale. According to FDG I

Cattle rustling were believed to be a cultural practice in the past and blamed for the frequent conflicts in Laikipia is turning to be a commercial venture. Unlike in the past when animals were driving by rustlers by foot today the raided animals are loaded into Lorries perhaps an indication that they are transported by wealthy individuals who transport them over long distances. The change in raiding patterns is also raising a lot of questions. In the past raiding was more frequent after a drought episode or after circumcision ceremonies when *Murans* were expected to pay dowry. Nowadays raiding has become more frequent and unpredictable pointing to emergence of new players who are raiding animals for commercial purpose. The raided animals could be finding their way into the meat market in Kenya and beyond illegally (FGD 1, 2019).

#### **4.2.7 Absentee Landlords**

The fact that absentee landlords leave their vacant property fallow for years in the Laikipia plains is another element that fuels conflict there. For pastoralists looking for open expanses, these tracts constitute a tempting temptation. As others take over the vacant land, absentee landlordism in Laikipia contributes to tension in the area. Less than 50 people control about 40% of the land in Laikipia, leaving the remaining 60% to the rest of the population (Letai, 2011). In the recent past, there has been a rush for land in the County thus causing foreignization of the space (Letai, 2011, Zoomers, 2010).

#### **4.2.8 Commercial Land-Buying Companies**

Unlike the land, buying companies registered after independence in Kenya that aimed at settling people in Laikipia were owned by shareholders. There is an emerging trend of individually owned land-buying companies aimed at subdividing land into small plots of one-eighth of an acre to sell them for profit. They are commercialized, carry out mass media advertisements with exaggerated promises, and offer good payment terms for land buyers. This new trend in land business has increased the demand for land and due to the high profits realized, the value of land in Laikipia North has gone up. According to FGD III;

Commercialization of land through subdivision into plots and selling them for profit has increased the demand of land in Laikipia. The subdivision has led to conflicts among parents and their children over land. There are those children who are demanding for their portion of their inheritance with from their parents with a view of selling the land to get quick cash (FGD III).

#### **4.3 Socio-economic Impacts of Conflicts in Laikipia North sub-County**

Laikipia has become a hotbed of land disputes as landowners, including occasional foreigners, gain big profits while those living off the land fight. Maasai pastoralists' persistent attacks on British-owned ranches have resulted in property damage and fatalities. One such incidence is the 2017 shootings of a pregnant woman and her two sons, as well as Mr. Tristan Voorspuy, the owner and creator of Offbeat Safaris Ltd. These incidents prompted the government to send in the military as part of a disarmament exercise that also aimed to remove the illegal grazers from the Laikipia region. On March 5, 2017, Mr. Voorspuy was fatally murdered while inspecting a burned lodge on his

sizable Sosian ranch. Author and well-known conservationist Kuki Gallmann was shot on April 23, 2017, by herders who broke into her Gallmann Africa Conservancy in Laikipia. The herders shot at the employees while also setting fire to numerous buildings on the property (Graham, 2018).

The pastoralists graze their animals on farmers' land, destroying crops. The destruction of crops, according to the respondents, leads to loss of income. Farmers spend much time and resources guarding their land at the expense of their income-generating activities. The boundary dispute between the Agikuyu and the herders leads to the death of people. According to Mercy Wambui from the Segera location:

There are constant attacks in order to displace the Agikuyu from their farms in Laikipia north in order to leave it to the Maasai pastoralist due to shrinking grazing fields (Wambui, 2019).

Boundary disputes, especially between the Pokots and Samburu, lead to the displacement of people, thus disrupting their sources of livelihood. The dispute not only affects the farmers but also leads to livestock death and loss of pastoral livelihoods. When herders invade private ranches, law enforcement agencies use all means to remove them from this ranch leading to death of animals. The livestock is shot in the process of driving the herders out of the ranches leading to their death. According to the results of FDG II Land, conflicts in Laikipia North sub-County have been blamed for low development in the area since many resources are put on security at the expense of infrastructural development.

Frequent raiding of the European-owned ranches, especially during drought, increases tensions in Laikipia north. The security forces intervene and drive away herder and their animals, an exercise that results in fatal consequences. According to Onesmus Musyoki, there has been conflicting between herders from Samburu, Isiolo, Turkana, Baringo, and west Pokot and owners of private farms and ranches in various parts of Kenya, about 60,000 cattle were driven out of ranches and private farms in Laikipia County and over 150 people arrested and arraigned in court for illegal grazing and destruction of properties in February 2017 (*Daily Nation*, February 24, 2017). There was concurrence from the three FGDs conducted that; land conflicts lead to the loss of livestock either through raiding or killing by security agents of raiders since they are used as shields. According to FGD I, houses are burned during land conflicts, and people are displaced and forced to live in Internally Displaced Camps. The three FDGs also concur that during land conflicts schools are closed as everyone flees for safety, making children miss learning.

Land conflicts in Laikipia have subjected residents to pain and suffering over the years, a situation that is likely to continue into the unforeseeable future. Apart from the physical loss of livelihoods and properties, the emotional and psychological pain resulting from the loss of their brothers, sisters, parents, guardians and neighbors cannot be quantified or expressed in words. The situation is made worse by the admission by George Natembeya, the regional commissioner for Rift valley, in 2021 that the raiders have more sophisticated weapons than the security agents. Unarmed farmers are exposed and have nowhere to hide. Robert Ndiwa (2021) According to popular belief, land ownership was

the root of the clashes between communities in Laikipia that claimed eight lives in the preceding month, including three police officers (*Star*, September 9<sup>th</sup> 2021).

#### **4.4 Land Conflicts Resolution Mechanisms in Laikipia**

There are both formal and informal conflict resolution mechanisms in Laikipia County. Individual community members and elders championed the informal conflict mechanisms. The formal conflict resolution mechanisms are championed by the government institutions led by the office of the governor, political leadership headed by the Member of Parliament (MP), and members of the county assembly, religious organizations, and non-governmental organizations. Procedures for managing conflicts must take capacity-building for both the parties involved and the organisations tasked with managing conflicts into account. (Opiyo et al., 2012). The Community Land Act of 2016's Section III, Settlement of Disputes Relating to Community Land, sets forth guidelines for conflict resolution techniques, including mediation and arbitration, with regard to land-related concerns.

#### **4.5 Land Conflict Resolution Mechanisms**

Mechanisms for resolving conflicts are created to foresee and stop conflicts before they get out of hand (Nxumalo, 2013). It might be difficult to resolve ethnic disputes because some interest groups stand to gain from them (Wirmark, 1997). When conflicts are managed in a region, sustainable peace, and stability will likely be realized. The overall goal of peacebuilding is conflict prevention (Paffenholz, 2003). In conflict resolution, various tools are applied to achieve the objective. These techniques also change depending on the type of disagreement (Chime 1969). Conflict resolution is a complex exercise that needs a

well-thought-out structure, supplies, and time. Finding appropriate or preventative strategies for its settlement may be difficult for the mediators, according to Vogt (1998). Yoder (2003) and Paudaland Sharma (2006), as well as Wehrmann (2008), concur that the communities impacted by the disputes must be involved in the process of resolving land disputes. The conflict resolution has to consider the level of conflict cultural and economic background of the affected communities. According to Brooks (1997), conflict resolution and human conflict are cultural phenomena. Conflict management strategies and perceptions are influenced by a common set of attitudes and beliefs across cultures. In certain societies, official dispute resolution processes like courts or arbitration panels are in place. Some civilizations, on the other hand, rely on unofficial methods like ridicule, rumours, exclusion, and the practise of witchcraft (Rotfeldand Symonides1998). They were aware of the function formal and informal frameworks served in the Laikipia North Sub-County when it came to resolving disputes.

According to Mkapa (2004), ‘we must come to terms with the reality that, after an average of 40 years of independence, African countries cannot keep on blaming colonial powers for all their woes. Africans are independent now, and they have to rectify the negative legacies of colonialism.’ While perceived rivalry for, or shortage of, natural resources may be the basis of conflicts, their occurrence, duration, intensity, and management are all influenced by the social and institutional contexts in which they are situated. In particular, Laikipia has a high prevalence of factors that make managing natural resource conflicts more challenging, such as HIV/AIDS, insecurity brought on by the widespread use of small arms, poverty, gender inequality, a high rate of illiteracy, poor leadership, and governance, ethnicity's politicisation, high rates of youth

unemployment, and inefficient and unaccountable security provision (Campbell et al., 2009).

The study assessed the role played by both formal and informal organizations on land conflict resolutions in Laikipia North Sub-county. The informal organizations included individual members of the community and elders. The formal organizations included religious organizations, government agencies such as chiefs and the Laikipia County government officials and non-governmental organizations, as well as the national government. Various conflict mechanisms are used, depending on the institutions involved. For example, according to Chief Samuel Putonoi of Ilpolei Location:

Communities' forums such as the chief barazas' help curb early warnings of conflicts such as infiltration of new-comers such as the Pokots and Turkana's in the area. The social organization of the Maasai is very useful in reducing conflicts that could arise due to the infiltration of new-comers. The Maasai elders share the pasture with the new-comers. The spirit of giving is highly valued by the Maasai in terms of livestock grass. The national police service also plays a role in conflict resolutions. For example, the Anti-Stock Theft Unit (ASTU) in Laikipia North sub-County force pastoralist to buy a roll of barbed wire to repay the loss incurred when herders invade farmers' crop farms or private ranches (Putonoi 2019).

According to Danson Kiloku Sankanka, elders play a very key role in conflict resolution in Laikipia. Elders are highly respected among the Maasai and Samburu Communities. This is supported by an earlier study by Bond (2014) that revealed that 98% of respondents believed that the Maasai community valued and respected its elders. According to Benson Piroris:

Elders are the source of peace not the police. Traditionally there is a distance to observe between two neighbors so as not to carry along their lambs and calves. The elders stop entry of animals into ranches without consent. They discourage forced entry of animals into private land. Elders forward issues affecting their communities to the Chief. They also encourage the Maasai to graze in their own Land. When there are conflicts between the Maasai and Samburu communities, elders from both communities come together to solve it. The elders warn the warriors in case of stealing animals from any community that they will be cursed. Elders are not only involved in conflict resolutions but they are also intervening on other challenges facing the community for instance drought. When the region experiences drought and famine the elders perform some sacrifices to intervene on behalf of the community. The sacrifices are performed under the *Oreteti tree*—where tree a goat is slaughtered while women sing traditional songs going down stream as they sing. This is followed by a downpour and rain (Piroris, 2019).

The non-governmental organizations and the chairpersons of group ranches have also been instrumental in conflict resolution in Laikipia North Sub-county. Though there are individual landowners and ranchers in the Laikipia North sub-county, significant portions of land are also under Group Ranches. The Umbrella organization, North Range Trust (NRT) is instrumental in the elections of representatives selected to management committees of ranches. Every group ranch has its chairperson, an automatic member of the Management Board, for three years. Annual General Meetings are held after three years. According to a member of the NRT, the Chairman of group ranches is involved in demarcating boundaries through land surveying. The North Range Trust land has helped the communities form grazing committees, which have been trained on holistic management. A very good example of the committee trained by NRT ranchers is Oljogi Group Ranch. Within the ranches, supervisory committees are involved in solving emerging issues in the group ranches. Supervisory committees have solved the problem of sand harvesting by bringing order. In sand, harvesting, and ranches are paid on a

monthly basis. The income received is used to meet hospital bills, pay school fees for the children of the group ranch members, and provide bursaries for the needy.

The drought-related conflicts are resolved through the grazing committees. The group ranch chairperson leads the grazing committees. The other members of the grazing committees are the area chiefs, village elders, women representatives, religious leaders, and a representative of non-governmental organizations working in the area. During drought, the grazing committees led by their chairman borrow the grazing fields from ranchers. The Chief as a member of the grazing committee represents the government so that any agreements signed between the ranchers and the pastoralists have the backing of the law enforcement agency, allowing them to intervene if either party breaks them. In every meeting of the grazing committee, the religious leaders are a great component. According to John Lenawasae a committee member, they begin all their meetings with an opening prayer for God to offer direction to the deliberations to be made and end their meetings with closing with a prayer. The closing prayers involve a higher power (God) to help the committee realize its resolutions. The grazing committees work in collaboration with the county security agents. According to Onesmus Musyoki, it is wrong for ranch owners to enter into grazing agreement with herders without involving security agencies and later starts blaming the government when the situation gets out of

hand (Dc Laikipia North sub-County has enjoyed a relative calm the 2017 general election. This has been attributed to the efforts of Sarah Korere the Member of Parliament for Laikipia North. The Member of Parliament has played a great role by educating the Maasai to change their pastoral economic activities to farming and also owning their own land. This encourages capitalism as opposed to the communal land ownership (Ranja, 2019).

According to the opinion of the majority of the respondents, Sarah Korere is a true testimony of how a visionary leader can transform the lives of entire communities for the better. According to Munene Maxwell Ngatia:

When we elected Sarah Korere a Member of Parliament for Laikipia North in 2017, she silenced the guns (Ngatia, 2019).

Laikipia North sub-County's county and national governments have implemented several conflict resolution techniques. According to the findings of focus group discussions, numerous initiatives have been implemented to reduce water disputes. These methods include the construction of dams, the drilling of boreholes, and the rehabilitation of existing boreholes.

#### **4.6 Chapter Summary**

The causes of Land conflicts in Laikipia have been changing over time. From 2003-2021 land conflicts have been on the rise leading to the loss of life and the destruction of properties. The promulgation of the 2021 constitution, sand harvesting within group ranches, pastoralist beliefs regarding livestock, environmental extremes, the emergence of pastoral entrepreneurs, commercial cattle rustling, absentee landlords, and commercial land-buying companies have been identified has been blamed for the rising cases of conflicts. Land conflicts during this period have led to socio-economic consequences such as loss of life and destruction of properties that have recently hit national and international media houses. The conflicts have led to the displacement of people, loss of life, schools closed, and children missing school. The conflicts have led to the death of civilians and security agents.

## **CHAPTER FIVE**

### **LAND QUESTION IN LAIKIPIA AFTER PROMULGATION OF THE 2010 CONSTITUTION IN KENYA**

#### **5.1 Introduction**

The chapter presents the challenges and opportunities on the land question after the promulgation of the 2010 constitution. The 2010 constitution created independent Institutions like the National Land Commission and the forty-seven counties, a turning point in land management in Kenya. Land tenure was also reviewed, and the duration of the lease reverted from 999 years to 99 years. The data for this chapter was collected from document analysis.

#### **5.2 Promulgation of the 2010 Constitution**

The land question in Laikipia was complicated by the promulgation of the 2010 constitution in Kenya. County Governments and Independent Constitution Commissions like the National Land Commission were established. The Land Act, 2012 (LA), the Land Registration Act, 2012, the National Land Commission Act, 2012, and the Community Land Act, 2016, were all passed by Parliament in response to the CON's 2010 orders (CLA). The constitution changed the length of the land lease from 999 to 99 years. The Maasai community and its leaders saw the review of the land lease period as a chance to retake their territory from the British occupiers (Iraki, 2017). The tensions between the pastoral groups have been made worse by the expiry of 99 years Land leases owned by most British settlers in 2014. The situation has worsened political incitement.

According to Chief Samuel Putonoi of Ilpolei Location:

Politicians are agitating for the return of local land to the Maasai from ranchers. Politics of expiring of leases in 2014 in Laikipia North played a role in triggering conflicts further. Politicians incite the pastoralist that the land belonged to them and they were to take it after the expiry of the 99 years lease (Putonoi, 2019)

Accor

North Member of Parliament Mathew Lempurkel was working with legislators from Samburu County to incite herders to invade ranches (*Daily Nation*, 24 2017). According to Samuel Languipael:

Laikipia north witnessed a volatile environment from 2013 to 2017 due to political incitement by elected leaders. The Member of Parliament, Mathew Lempurkel during this period who was from the Samburu community really disturbed the Maasai (Languipael, 2019).

The emergence of wealthy politicians who are using members of their communities, especially the youth, to cause violence and grab privately owned land in Laikipia is the most dangerous trend taking root. According to George Natembeya (2021) noted that some politicians were interested in the lands that were owned by the ranchers therefore they would sponsor armed youth to drive out the owners (*Star*, September 9<sup>th</sup> 2021).

According to Professor James Ole Kiyapi, the Maasai community has been marginalised due to several historical injustices (Standard, September 12th, 2015). The Kenyan Constitution, which was enacted in 2010, set a 99-year limit on foreigners' ability to occupy land nonetheless. The Maasai communities had some hope that they would be able to reclaim the ranches owned by the British settlers in 2014, when most leases were set to expire because of this restriction on the length of leases for land controlled by foreigners.

Hon. Moitalel ole Kenta, a representative for Narok North, claimed (Standard, September 27th, 2015) that the Maasai group has historically lost its rights and continues to do so today. The community only demanded that their property, the land, be returned to them. In his words, "None of this happened," the colonial authority violated an earlier commitment to return the land to Maasai after independence. The land was sold to land-buying firms instead of what the Maasai community had agreed upon. All Kenyan communities were welcome to settle after the country gained its independence, and the earlier contracts negotiated did not come into play.

The Maasai people have been marginalised historically, economically, and politically. Their pastoral economy has a lot of potential, but it hasn't yet been fully incorporated into the national economy. The Maasai community in Kenya has suffered terrible land loss and exploitation since the colonial era. Unlike during the colonial era when their lands were routinely appropriated because their nomadic and pastoral lifestyle did not require the cool lands better suited for agriculture, the Maasai community in independent Kenya became victims of the much-touted "willing-seller-willing-buyer" capitalist theory (Koissaba, 2014).

### **5.3 County Governments and the Land Question**

Kenya's 2010 constitution gave the 47 local governments the authority to create land laws that would apply to their counties, provided that they complied with the country's land laws. The only land issues counties may manage are land survey and boundary and fencing mapping. When land leases are renewed, the counties are essential. Land lease renewal procedures are started at the county level. County governments also serve as

trustees over those areas for as long as community lands are not registered. Any funds due as compensation for the forced purchase of any unregistered community land are held in trust by the respective county government on behalf of the community.

Since 2018, the Laikipia county administration has been cooperating with the National Land Commission (NLC) to implement legislative initiatives. Using this relationship, the county was able to locate more than 300 pieces of illegally acquired public land. On grabbed lands and spatial planning, there are ongoing negotiations between the Laikipia County governor's office and the National Land Commission (NLC, 2018). The Laikipia land recovery method aims to simplify land-related concerns. The procedure entails the mapping of community resources and land, the creation of a community evaluation, and the creation of a mechanism for tracking land rights. In three months, title titles to 40,000 acres of community-owned land were issued as a result of the county's streamlining of its land issues (<https://laikipia.go.ke/1422/resolving-land-issues-in-laikipia>).

#### **5.4 Litigations on past Injustices against Indigenous Kenya Communities**

Despite the various efforts to repossess the land or win compensation for their land, the Maasai Community has not succeeded 59 years after independence. This has led to frequent land conflicts in Laikipia County. The allegation by various leaders that the Maasai agreements of 1904 and 1911 were signed under duress is enough ground for them to seek legal redress under the new dispensation in Kenya. The promulgation of a progressive Kenyan constitution in 2010 is a new lease of life for the Maasai land question. The Kenyan 2010 constitution is progressive because of its comprehensive and

liberal bill of rights. It also gives citizens the power to determine how they are to be governed.

Another avenue to be exploited in the Maasai land question is the precedent set by the British Court in 2012 on the MAU MAU case against the British Government and the Kipsigis and Talai communities'. The MAU MAU and the Kipsigis and Talai communities' cases are presented in this study to show similarities of issues raised on the injustices committed by the British against the Maasai to show the need for legal redress to end perennial land conflicts in Laikipia. MAU MAU was a movement formed to fight for independence in Kenya.

For the first time in British history, victims of colonialism were given the chance to pursue restitution for previous wrongs committed during the colonial era thanks to the Mau Mau case. The British government provided the MAU MAU with compensation for the misery and maltreatment they had endured. In 2002, when three Mau Mau activists came on the door of the Stanley Hotel in Nairobi while he was working on another matter, he was approached by Martyn Day, senior partner at Leigh Day, to represent the war veterans. Leigh Day thoroughly investigated the claims over the ensuing years, working alongside two eminent historians, Caroline Elkins from Harvard University and David Anderson from Oxford University. On behalf of numerous test cases Mau Mau Rebellion victims, Leigh Day launched a claim in the High Court of London in 2009. (1952-1963). The charges arose from the horrible, frequent abuse and torture of Kenyan natives by British colonial officials and Kenyan "house guards" acting on British orders. The abuse techniques included castration, routine beatings, rape, and sexual assault with

bottles (see paragraph 45 of the October 2012 judgement); the complaint established that each of these techniques was acknowledged and sanctioned at the highest levels of the British government. .

The British government started rounding up citizens and housing them in huge prison centres all over Kenya less than 10 years after the end of World War Two. These facilities brutally tortured the populace, which culminated in the Hola Massacre in 1959. In Leigh Day's initial decision, which was rendered in July 2011, Judge McCombe rejected the government's assertion that the Kenyan government "acquired" legal responsibility for these atrocities when they attained independence. A new court appearance regarding the subject occurred in 2012. In another historical occasion, the authorities did not claim that the victims had been tortured "by the Colonial Government" (Paragraph 27 of the October 2012 judgment). They argued in response that the case was time-barred and that due to the length of time that had gone since the claimed events, a fair trial was no longer imaginable. Judge McCombe dismissed this defence on October 5, 2012. In order to ensure a fair trial, the British government maintained thorough records of what occurred in Kenya. These documents had been lost at a Hanslope Park repository but were found again. The archives made public, among other things, the minutes of British War Councils where interrogation and "screening" policies were developed and the counsel given to Sir Evelyn Baring, the Governor of Kenya, by Eric Griffith Jones, Kenya's Attorney General: "If we are going to sin, we must sin discreetly." What happened after that? In a compromise reached in the middle of 2013, the government agreed to pay out £19.9 million in compensation to around 5,000 applicants who were abused during the Mau Mau Rebellion. In a statement to the House of

Commons, William Hague, the then-foreign secretary, expressed the government's "sincere regret that these acts had a place." Moreover, a permanent memorial to the victims of colonialism was erected in Nairobi in September 2015 as part of the settlement deal. The fact that this case showed that the atrocities committed by Britain during its colonial history had not been forgotten is also relevant. Those who have been harmed can battle for justice and succeed even when their adversary is as strong as the British government (Wessely, 2017).

Another Precedent that has been set on the past injustices committed by the British officials was set by the United Nations on the Kipsigis and the Talai communities' case. This case should give hope to the Maasai communities and assure them that the court of law will bring long-lasting justice. 'The Kipsigis and Talai communities, who hail from Kericho County and suffered great ordeal in the hands of the British colonialists, had a reason to smile after the United Nations (UN) ordered the United Kingdom government to make a public apology and give a commensurate compensation to the communities. Kericho County Governor Prof. Paul Chepkwony praised the UN resolution in a statement to Kenyan news agencies, claiming that the Kipsigis and Talai, as well as other indigenous people, were subjected to egregious violations of human rights, including cruel and inhumane treatment, arbitrary detention, arbitrary displacement, and violations of the rights to privacy, family life, and property. Prof. Chepkwony, the then-governor of Kericho County, started legal action against the British Government in 2014 on behalf of the victims to seek justice for the Kipsigis and Talai communities. With the assistance of attorney Kimutai Bosek and Queens Council Karim Khan, the ICC prosecutor, a rigorous procedure of evidence collecting was carried out (ICC).

In a letter to Prime Minister Boris Johnson, the UN Human Rights Council expressed its grave concerns about the absence of accountability and redress for the cruel acts, the UK government's failure to gather data on the victims and the nature of the harm, and the lack of reparations in accordance with international laws. The UN was very concerned about how the Talai clan was being treated after they were forcibly relocated to Gwasi in 1934 as part of the Laibon Relocation Order because they were deemed a threat. The Crown Lands Ordinance of 1902 confiscated 90 000 acres of land in Londiani, Kericho County, and subsequently gave it to foreign settlers. To build "reserves," where families were maintained as slaves with little mobility, the Kipsigis who resided there were forcibly relocated to Belgut, Bureti, and Sotik (Mburu, 2021).

## **5.5 Chapter Summary**

A framework for better land management in Kenya was established by promulgating the 2010 constitution. A significant turning point in the Laikipia land adjudication process was the establishment of the National Land Commission and the adoption the Community Land Act of 2016. Establishing Kenya's 47 counties and participating in the lease renewal process guarantees that stakeholders will have a chance to participate in the land management process, which would reduce the number of land disputes in Laikipia. The precedents by the landmark rulings on the past injustices committed against indigenous Kenyan communities during the colonization period offer an opportunity for the Maasai to seek legal redress for the land injustices committed by the British government.

## **CHAPTER SIX**

### **SUMMARY AND CONCLUSION**

#### **6.1 Introduction**

The chapter summarises the findings, judgements, and suggestions. Also, the chapter offers ideas for additional research.

#### **6.2 Summary**

The study aimed at achieving the following objectives; analyze the status of the Maasai-British settler land conflicts in Laikipia County (1880-1963), demonstrate the escalation of land conflict following the in-migration of Agikuyu community into Laikipia County during the reign of President Kenyatta(1963-1978), Investigate the nature of land conflict in Laikipia during the reign of President Moi (1978-2002), Assess the changing nature of land conflict and its impact in Laikipia (2002-2021), land conflicts in Laikipia after the promulgation of 2010 constitution in Kenya.

On the first objective, the status of the Maasai- British settlers land conflict, the study found that the conflict's center was the 1904 and 1911 land agreements signed by the Maasaai leaders on the one hand and the British government representatives. The settlement of the British settlers in Laikipia was not welcomed by the Maasai communities making them disown the earlier agreements. In 191, Maasai leaders at the time argued that the previous agreements were signed under duress, and they did not recognize them and demanded their land back. The matter was litigated in the Municipal

Court of justice and was decided in favor of the British settlers. The Maasai leaders appealed the decision at the time but was also dismissed. Having lost at the court of appeal, they had no other option but to wait until the settlers were leaving Kenya.

On the second objective; was the escalation of land conflict following the in-migration of the Agikuyu community into Laikipia County during the reign of President Kenyatta (1963-1978). The researcher found that land-buying companies that were initiated by leading politicians Dixon Kihika Kimani and Godfrey Gitahi Kariuki played a significant role in the settlement of people in Laikipia. Membership to these land-buying companies was open to all Kenyans. A person was required to purchase shares at the cost of 1,057 shillings each share, giving him the right to 21/2 acres per share. However, the Maasai and Kalenjin community members did not join the land-buying companies since they were hoping that the British government would honour the earlier signed agreement and give the land back to them, which did not happen.

Unlike the notion that President Kenyatta's government favored the Agikuyu community, the study found that untrue. Probably the only advantage they had was that the leaders of the land-buying companies that played a key role in the settlement of people in Laikipia, Dixon Kihika Kimani and G.G Kariuki, were from Agikuyu tribe, and members of their community trusted them with money hence bought shares unlike members of other communities who would find it difficult to invest their money in companies that they could not trust. Another reason was the fact that members of the Agikuyu community had involved themselves in business during colonization, others were working in white-owned farms and had made some

savings, and when opportunities to buy land came, they had the money required. For those who were not able to pay their leaders, for example, G.G. Kariuki negotiated with financial institutions to extend credit to them. With the settlement of the Agikuyu community in Laikipia, the Maasai were not happy because they believed their ancestral land had been taken away by the British. There was increased tension between the two communities, which was complicated by their cultural way of life. The Agikuyu were farmers, while the Maasai were pastoralists. The Maasai were not happy with the settlement of Agikuyu as they viewed them as people who had settled by the independent government and had gone there to cultivate the land and reduce their grazing fields.

The third objective; is the nature of land conflict in Laikipia during the reign of President Moi (1978-2002). The research found that the struggle for the second liberation in Kenya led by Kenneth Matiba and Charles Rubia presented an opportunity to the Maasai and Kalenjins who were not happy with the settlement of Agikuyu, Luhya, Luo, Akamba, and Kisii to evict them from their land so that they can occupy them free. This led to the 1991 tribal clashes in Kenya. There was heightened tension among the pro-government Members of Parliament who were countering the struggle for multiparty by advocating for '*Majimbo*'. The tribal clashes also recurred during the 1992 general elections and spread in many parts of Kenya, including Laikipia. During this violence, people were killed and properties destroyed. The researcher classified this period (1978-2002) as the darkest moment for the country, where the judicial system was thrown into the window, and the rule of the jungle took precedence. It was the first time in independent Kenya that Kenyans started killing their fellow countrymen because of land. The bad

precedent of evicting genuine landowners from their farms set in 1991/1992 has always recurred during elections in Kenya.

On the fourth objective; is to change the nature of land conflicts and its impact in Laikipia (2002-2021). The major causes of land conflicts during this period were; the promulgation of the 2010 constitution, sand harvesting within group ranches, pastoralist beliefs regarding livestock, environmental extremes, the emergence of pastoral entrepreneurs, commercial cattle rustling, absentee landlords, and commercial land-buying companies having been identified has been blamed for the rising cases of conflicts. The study found that perennial land conflicts in Laikipia have killed civilians, white settlers, and security agents. The study also found that land conflicts lead to property destruction, livestock raids, and even the death of livestock.

On the fifth objective is land conflict resolution mechanisms in Laikipia. The researcher found that formal and informal conflict resolution mechanisms are used to resolve conflict and protect life. Chiefs as government representatives at the local level play a key role in peace building efforts. The grazing committee is very instrumental in overseeing the signing of grazing agreements between the herders and the ranchers. Elders also perform a very important role on conflict resolutions in Laikipia. Religious leaders champion reconciliation efforts by encouraging people to live righteous lives.

### **6.3 Conclusion**

Land conflicts in Laikipia are a perennial problem that has persisted for more than a century. The conflicts are believed to have begun in pre-independence Kenya between

the Maasai clans, the Purko, and the Laikipiak. The conflicts during that period were the overgrazing of fields, water and the raiding of animals. The signing of the Maasai land agreements of 1904 and 1911 at the onset of colonialism enabled the European settlers to settle in Laikipia, displacing the Maasai and confining them into two reserves. When Kenya attained its independence, all Kenyans were supposed to buy land formerly owned by the settlers. However, the Maasai were hanging on the earlier signed agreements and were waiting to get back their land free, which did not happen. This allowed the influx of non-Maasai communities in Laikipia, which left the Maasai aggrieved and bitter. This escalated conflict further as most non-Maasai communities were farmers who cultivated land the Maasai believed was their grazing field. With the clamor for multi-party democracy in Kenya in 1991, land conflicts were given new impetus by the pro-government Members of Parliament who were advocating for 'Majimbo,' which led to tribal clashes in 1992. The clashes led to the eviction of people from their lands, the destruction of properties, and the raiding of animals. The promulgation of the 2010 constitution, which reduced the lease period from 999 years to 99 years, also increased tensions in laikipia. Politicians saw it as an opportunity to own ranches and have always incited people against ranchers and always taken advantage of events like drought to advance their narrative.

#### **6.4 Recommendations**

These are the recommendations that the researcher offers in light of the study's findings. The Maasai community, who are still aggrieved by their displacement from their land and confinement in the two reserves after the signing of the 1904 and 1911 Maasai land

agreement with the British, should take advantage of the precedents set in 2012 by the MAU MAU case against the British and seek for compensation. They should sue the British government and demand compensation for the injustices committed to their community by the British settlers and officials.

The law enforcement agencies and the Justice system in Kenya should always endeavor to offer justice to the oppressed and should not allow the politicians to walk free after inciting people to cause violence. The independence institutions like the National Cohesion and Integration Commission (NCIC) should not entertain hate mongers as a life lost during violence will never be recovered. NCIC should be proactive in sensitizing people on the importance of peaceful coexistence and should not wait until land conflicts begin for them to issue a statement.

Land title deeds should be issued to those in communal land in Laikipia North Sub-county to allow individuals to develop their own portions. This will reduce movements by the pastoralist. Title deeds could also be used as collaterals to apply for loans from financial Institutions. This will empower young 'Murans' who powerful politicians normally use to cause violence.

The government should enhance efforts to encourage all children in school-going age to be in school. This will empower them to abandon the pastoral way of life and find other sources of livelihood. Children's education will expose them to different environments and make them appreciate the interdependence among communities and nations, which will diffuse their culture, traditions, and beliefs.

## **6.5 Suggestions for Further Studies**

A study is required on the role of cultural exchange practices such as intermarriage in diffusing land conflicts and tribal animosities in Laikipia County.

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## APPENDICES

### AppendixA<sub>1</sub>:Key Interview Schedule Guide

- 1) What are the causes of land conflicts in Laikipia North sub-County?
- 2) What are the socio-economic impacts of land conflict in Laikipia North sub-County?
- 3) Are there mechanisms of conflict resolutions that your organization have used in Laikipia North sub-County?
- 4) If yes which are this strategies?
- 5)What measures have your organization put in place to prevent resurgence of land conflicts?
- 6)(a)Have the methods you have described been successful in conflict resolution in Laikipia North sub-County?  
(b)Explain your answer.
- 7)(a)Do you think the African indigenous methods of conflict tresolutions can contribute to resolving land conflicts?  
(b)Why?
- 8) Which are some of the indigenous methods of conflict resolutions used inLaikipia?






## **AppendixA<sub>2</sub>:Focus Group Discussion Schedule Guide**

- 1) What are the major causes of Land conflicts in Laikipia County?
- 2) What are the economic impacts of land conflict in Laikipia?
- 3) What are the social impacts of conflicts in Laikipia County?
- 4) What are government strategies of conflict resolutions in Laikipia North sub-County?
- 5) Which are some of the indigenous methods of conflict resolutions used in Laikipia North sub-County?

### Appendix A<sub>3</sub>: List of Informants

	<b>Name</b>	<b>Age Group</b>	<b>Gender</b>	<b>Status</b>
1	Yusuf Ranja	46-64	M	KII
2	Rumbuki Josphat	25-35	M	FDG I
3	Ann Ekale	25-35	F	FDG II
4	Lelina Kaunga	46-64	F	FDG I
5	Lonet Kiloku	46-64	F	FDG I
6	Rose Kiloku	46-64	F	FDG III
7	Benson Piroris	>65	M	KII
8	Moses Mwai	25-35	M	FDG III
9	Lomboki Grace	25-35	F	FDG III
10	John Lenawasae	25-35	M	FDG II
11	Nasieku Elizabeth	<25	F	FDG II
12	Samuel Lenguipael	46-64	M	KII
13	Grace Muthoni	<25	F	KII
14	Antony Kamoiro	36-45	M	FDG I
15	Albert Lelukumani	25-35	M	KII
16	Jane Lemnyak	36-45	F	FDG II
17	Veronica Kabiro	>65	F	FDG II
18	Mercy Wambui	>65	F	KII
19	Simon Lemayon	25-35	M	FDG I
20	Evalyne Saitoi	46-64	F	FDG I
21	Samuel Putonoi	46-64	M	KII
22	Mary Kipiriro	>65	F	FDG III
23	Munene Maxwel	25-35	M	KII
24	David Moire	46-64	M	FDG III
25	Francis Tela	25-35	M	FDG II
26	Sheila Seriani	25-35	F	FDG II
27	Danson Sankanka	36-45	M	KII
28	Charles Tembenyo	25-35	M	FDG I
29	Benson Mathenge	46-64	M	FDG I
30	Fredrick Sampayo	36-45	M	FDG II
31	Samson Ranja	25-35	M	FDG III
32	Catherine Mepukori	46-64	F	FDG III

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(6)

LND.25/16/6

25th. November, 1929.

Sir,

Re: Farm No. 2766 (836B) - Laikipia.  
Colonel M. Ruthven.

With reference to your letter No. 1935/29 of the 9th. instant, I have to inform you that so long as Colonel Ruthven remains on the active list, under the terms of the Discharged Soldiers Settlement Ordinance the above farm will stand in his name. No further action on his part is at present necessary unless he desires, prior to retirement, to commence occupation of the farm through a Manager.

I am, Sir,

Your obedient servant,

*Charles Anson - Ruthven is still in the Army*  
AG: COMMISSIONER FOR LOCAL GOVERNMENT,  
LANDS AND SETTLEMENT.

L.M. Trade Commissioner,  
Nairobi.

EM/RH.

Copy to Land Assistant,  
Nairobi.

(3) For information, reference No. Ny/15383  
of the 14th. instant.

7 MAY 1935



(12)

THE OFFICE OF  
THE UNION OF SOUTH AFRICA  
IN BRITISH EAST AFRICA TERRITORIES

P. O. Box 624.  
MEMORIAL HALL.  
NAIROBI.  
KENYA COLONY.

Reference No. 112/270

3rd May 1935

*Ackd.  
8/5*

ADDRESS  
MADE  
1081.

Sir,

I have received a request from Col. Hore Ruthven C.M.G. D.S.O., Private Secretary to the Governor General, South Africa, to advise him on the question of converting his existing title in respect of Farm L.R. No. 2766, Nanyuki to a Grazing Lease, and I have the honour to ask that I may be supplied with a copy of the conditions attached to a conversion such as that proposed.

I have the honour to be,

Sir,

Your obedient Servant,

Land Officer  
Secretariat  
NAIROBI.

*B. B. Furness*

COMMISSIONER.

FOR THE UNION OF SOUTH AFRICA  
IN  
British East Africa Territories.

RECEIVED

*8/5*

*Copy to L.A. Mbi for inf. + nec  
action. A.S.B.  
8/5*

*Copy on land. 25/1.4*

8



OFFICE OF THE  
DISTRICT COMMISSIONER  
(LAND SECTION)  
P.O. BOX NO. 424  
NAIROBI

NAIROBI  
No. 2560

11th March, 1935.

IN REPLY PLEASE QUOTE DATE AND NO. Ny/15085.

The Hon. Commissioner for Local Government,  
Lands & Settlement,  
Nairobi.

RE: FARMS L.R. NOS. 2764 & 2766 - NORTH NYERI.

The above mentioned farms have been taken up  
under the Soldier Settlement Scheme, since 1926.

2. They are both in the Pastoral area and I should,  
therefore, be glad if you would confirm that the privilege  
of Pastoral leases may be offered in each case.

*Ben ...*

LAND ASSISTANT.

PASSED  
12/3

*20.*  
*Green*

*HP.*

Copy on Ind. 25/14  
and XXXXXX

11

16th March, 5.

LND.25/16/11.

The Land Assistant,  
NAIROBI.

RE: FARMS L.R. NO.2674, W.M. TATE & L.R.NO.2766, C.M.HORE-  
RUTHVEN - NORTH NYERI.  
Ref. Your No.NV/15085 of 11th March,1935.

8

It is understood that though the allottees of these farms were still serving in 1926, they have both taken up their allotments and are now actively developing their farms.

Under the circumstances the privilege of conversion to pastoral leases may be offered in each case.

*Succession to all  
power to the Pastoral  
Commissioner*

COMMISSIONER FOR LOCAL GOVERNMENT,  
LANDS AND SETTLEMENT.

*Being a railway line...  
by the power of...  
arise as no...  
later the...  
General...  
H.M.  
A/S*

*Resolution  
...  
...*