
THE LAND QUESTION

In contemporary Kenya inequality in access to land, economic opportunity, and political power are the dominant issues behind the country's politics. The issues grew out of the colonial era when European settlers took control of large areas of productive land in the Central Highlands and the Rift Valley. This completely altered the land use systems and way of life of the farmers and herders. This is because the colonial government introduced land title deeds in some communities, which allowed farmers to be individual owners of land. As a result, private property began to replace the traditional communal land ownership system. Also, the colonial policy changed the economic structure so that land replaced cattle as the customary measure of wealth, security, and status. As the demand for land rose, the availability of highly productive farmland was reduced by colonial settlement.

Pre-Colonial Access to Land

Land use patterns in Kenya before the arrival of Europeans were the result of several closely interwoven ways of making a living from the land, the lakes, and the sea. Small populations of farmers, pastoralists, and hunter-gatherers occupied lands over which they had control. Land was abundant and people lived uncrowded lives. Trade, raiding of other people's animals and shared uses of land meant a lot of give-and-take between different African groups.

Because land was plentiful, specific pieces of it had little permanent social or economic value. If land did become scarce in a particular area, a new settlement would be founded on empty land nearby. In some cases a new settlement would grow in territory controlled by a different group of people. The newcomers would bet land in exchange for a gift with the understanding that the original owners could reclaim the right to use the land upon repayment of the gift. A suitable gift would be a number of cattle. In this way many areas in Kenya came under multiple land uses and a number of groups shared the land resources.

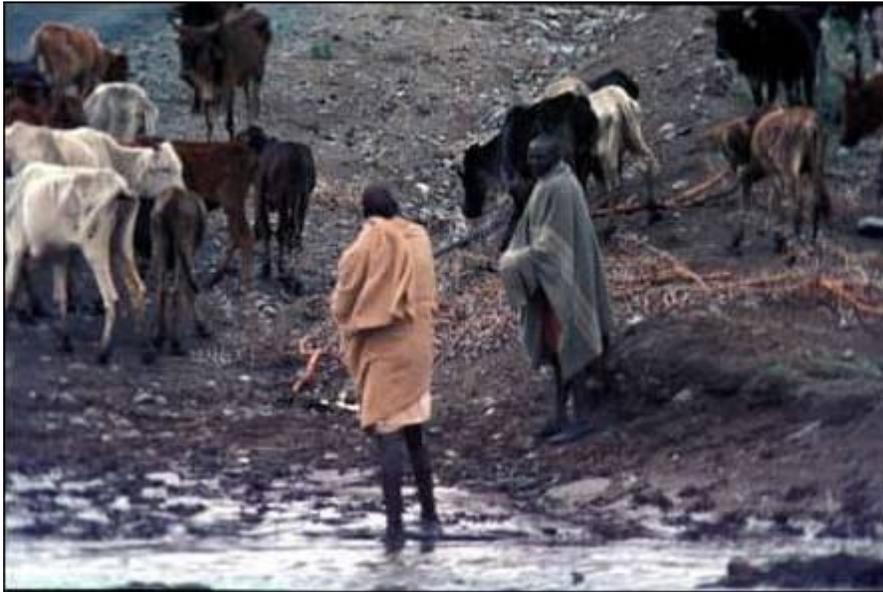


Photo 33: Maasai with cattle weakened by drought

At this time, it was customary for people to show their wealth through the number of cattle they owned. Pastoralists, such as the Maasai and Turkana held economic power through their livestock and political power through their military organization. Farmers had to depend largely upon trade in crops and ivory to acquire livestock, though raiding was a fruitful, if unpredictable way of getting more animals.

The best time for trade from a farmer's point of view was during periods of drought when the price of livestock dropped because they became weak and unproductive when they did not have enough grass to eat and water to drink (Photo 33), and that of grain increased because harvests were reduced. Farmers who had a surplus of grain at such times could obtain animals cheaply and so increase their status. To get a crop surplus, farmers had to work hard. The farm tasks such as breaking the soil to plant, weeding and harvesting were all done with hand tools. Large families were better equipped, with more helping hands, than small ones, so farmers wanted large families. Those that could afford it married more than one wife and had many children. To marry,

a man had to pay a dowry of cattle to the wife's family. So there were close links between the size of the family and the availability of labor, crop production, and the ownership of animals.

The land use systems of herders and farmers closely reflected the ecological conditions of the land they lived in. Herders occupied the arid and semi-arid lands but during the frequent droughts they had to find drought-retreat areas with reliable pasture and water for their animals. These people relied on their armies to control access to such areas, on mountains and around swamps.

Farmers did better if they had a variety of environmental resources with which to grow crops and herd their animals. In river valleys, well-watered clay soils were good for growing sorghum, and provided grass for the animals. On better-drained sandier soils, millet grew better. The tops of the hills were left wooded for grazing, wood for firewood and building, and for collecting wild plants and honey. Some areas were also left fallow, unused for a number of years, to allow the soil to be replenished. Fallow areas were also used to graze animals.

The abundance of land and trade between different groups provided sufficient food for people most of the time. When there was conflict between different groups, crop production would be disrupted and recurrent drought frequently made life difficult.

The Colonial Period

The colonial period brought new European-style political, social and economic policies, which completely altered the African pattern of land use and set in motion competition for land, which continues in Kenya today. These innovations included the taking of land for European settlement and the creation of the Native Reserves; the promotion of crops as better than livestock in an increasingly cash economy; the increase in the number of jobs for pay; and the introduction of medical care which has altered population patterns.

Land Use Changes

The creation of the Native Reserves, the alienation of land for European settlement and the designation of protected forest areas brought an end to Kenya's land abundance. Much like the Native Americans in North America, herders were restricted to specific areas. Those in the north of Kenya were not so controlled in their movements from place to place, as the whole area was set aside, becoming the Northern Frontier District. One of the important effects was that trade ceased between the herders of northern and southern Kenya. The Maasai herders in the south were restricted to the Maasai Reserve; epidemics of rinderpest (a cattle disease) and smallpox had reduced the animal and human population, which could, at first, survive on the land reserved for them.

A more serious situation confronted the farming peoples, particularly in the highlands of Kenya. Large tracts of land set aside for European settlement at first remained accessible to Kenyan farmers - they were allowed to graze animals and plant crops in these areas. In exchange they paid the Europeans, at first with milk and later by working on European farms. The Kikuyu and others saw this payment in traditional terms; they and the Europeans were using the land together. Thus the Kikuyu at first believed that European occupancy and ownership had not affected their own land use. When the European farmers, supported by the colonial legal system, imposed restrictions on native activities, the African farmers finally realized that a land frontier had been created and that adjustments in traditional practices would be necessary.

Economic Changes: The New Cash Economy

The colonial economy did provide African farmers some opportunities for earning money. These new jobs were to be found in non-agricultural labor in industries, services, and bureaucracies in the towns, as paid labor on European farms and in the production of cash crops such as food crops and wattle. Wattle is a tree that is a native of Australia. Its bark produces a valuable chemical called tannin that is used in the processing of animal skins in the leather industry. Under colonial rule the Africans soon found that they needed to earn cash to pay taxes, to pay

school fees, and to purchase consumer goods such as clothing.

For rural farmers the opportunities for earning cash income were greater from crop production than from cattle. In a reversal of Kenyan traditional values, cattle became less valuable than certain crops. The viability of cattle raising was further reduced by restrictions on grazing land due to European settlement and the expansion of land put under crops rather than pasture. This process accelerated as the population increased, resulting in a scarcity of grazing land.

As a result, people in the less arid African reserves saw the importance of cattle raising decline. This was for two reasons: restrictions on pasture and as a drop in the economic value of cattle. Similar changes took place in the value of the land on which these activities took place. The area suitable for rain fed crop production in Kenya is far smaller than that suitable for raising livestock. As more people turned to crop production the value of land in these small areas increased. Restricted to the Reserves, Africans began to compete for the lands suitable for rain fed agriculture (Photo 34).



Photo 34: Farm landscape, Machakos District

In addition to the sale of livestock, cash saved from wage labor and income from the sale of cash crops could be used to purchase land. Also, chiefs and other members of the government used their knowledge of the bureaucracy to acquire land. Under the colonial government, access to land was increasingly based on wealth and power rather than being a traditional right.

As people who had been squatters on European farms returned to the reserves, they began to realize the full implications of these changes. They had been evicted from the settlers lands through the enforcement of European law and found upon their return that the same legal system was being applied by those Africans who were familiar with it, to deny traditional rights to the returnees. There were many court cases and much violence related to land disputes.

The land issue was a major factor leading to the revolt against the British, known as the Mau Mau rebellion. This rebellion was a guerrilla war fought against the British army by thousands of rural Kenyans based mainly in the forests and African farming areas around Mt. Kenya. It began in 1951 as a period of increasing violence against Europeans and Africans who were seen as supporting British rule. In 1952 the British colonial government declared a State of Emergency and arrested Jomo Kenyatta, who they saw as the leader of the African rebellion. The violence increased and lasted until 1957 when the British began to give way to the Africans' demands. During the revolt more than 12,000 Africans were killed, compared with fewer than 40 Europeans. Thousands of Kenyans were imprisoned. The revolt hurried the process leading to independence, which occurred on December 12th, 1963.

Post-Independence - The Land Question

At Independence in 1963, Kenya became united for the first time into one independent governing unit. Past divisions between peoples, fears that more populous groups would dominate smaller groups, and the colonial partitioning of the land and economic development all contributed to a sense of uncertainty as to the country's political and economic future (BOX 1).

BOX 1: THE GOVERNING OF KENYA

Kenya became independent of Britain on December 12, 1963, under its first president Jomo Kenyatta. Today it is officially a multi-party democracy. It is governed by a parliament in which members representing parliamentary constituencies (electoral districts) make laws. The head of state is elected for 5-year terms. The current President is Mwai Kibaki.

At independence, Kenya had two political parties. KANU (the Kenya African National Union) was the ruling party, and KADU, (the Kenya African Democratic Union), was a smaller party that counted Daniel Arap Moi (the second president of Kenya) among its leaders. In the interests of national unity, KADU was soon dissolved and the country became a one-party state. This did not mean that there were no political differences between groups of people. There were strains among the Kikuyu, and between Kikuyu and Luo. There were ideological differences between those who promoted a capitalist development strategy, such as Kenyatta, and those such as his Luo vice-president Oginga Odinga who were concerned at the continuing influence of the British and other foreign investors in determining the country's future.

Oginga Odinga was expelled from KANU by Kenyatta in 1966. He then resigned as vice-president and formed another political party, KPU, the Kenya People's Union. The KPU opposed the rule of KANU, and was effectively banished in 1968.

Political strife continued over a number of years. Under Kenyatta, the armed forces and the legal system were used to restrain opponents. When Kenyatta died in 1978, President Moi assumed the presidency, but under much opposition. Over the next few years there were occasional outbreaks of violence, and an attempted overthrow of the government in 1982. This led to a constitutional amendment banning all opposition parties. It was only in the 1990s that active opposition parties again developed, and under international and continued domestic pressure, Kenya again became a multi-party democracy.

Box 1 continued (2)....

In democratic, multiparty elections in 1992 and 1997, Daniel Arap Moi won re-election. In 2002, Moi was constitutionally barred from running, and Mwai Kibaki running for the opposition coalition "National Rainbow Coalition" - NARC, was elected President. The elections, judged free and fair by local and international observers, marked a turning point in Kenya's democratic evolution.

Under the presidency of Mwai Kibaki, the new ruling coalition promised to focus its efforts on generating economic growth, combating corruption, improving education, and rewriting its constitution. These promises have only been partially met, however, as the new government has been preoccupied with internal wrangling and power disputes. In November 2005, the Kenyan electorate resoundingly defeated a new draft constitution supported by Parliament and President Kibaki. Kibaki responded by dismissing his entire cabinet. Kibaki eventually appointed a new slate of ministers.

The 2007 Elections

Kenya held its last general elections on December 27, 2007. The two main parties contesting the election were the Party of National Unity (PNU) led by the incumbent Mwai Kibaki, and the Orange Democratic Movement (ODM), a main opposition party led by Raila Odinga. Many people in Kenya together with the majority of international observers concluded that the elections were rigged in favor of Kibaki. The rigging claim gained strength when the voting was completed throughout the country and the counting of votes started. Initial counting by the Kenyan Electoral Commission showed Raila leading with substantial votes. However, as the exercise continued, Mwai Kibaki closed the gap and even overtook Raila by a large margin. By this time there was an outcry from ODM politicians, international observers, and ODM supporters claiming that rigging had been done. This sparked protests and riots throughout Kenya. With the support of ODM party members, Raila Odinga declared himself the "people's president". He also called for a vote recount and demanded that Kibaki resign.

Box 1 continued (3)....

Within a few days, the protests became exceptionally violent. A lot of property was destroyed and many lives lost. By the time the violence stopped, over 1000 people had died and 350,000 people displaced from their settlement. Many were housed in camps for internally displaced persons, some of which were still in place in July 2009 and risked becoming permanent (Photos 35 and 36). The former United Nations' secretary-general Kofi Annan and other prominent people from Africa brokered a peaceful solution to this political deadlock. This group was backed by the UN, European Union, African Union, and United States governments.



Photo 35: A camp for displaced persons, Longonot
(Source: Owen Campbell)

Box 1 continued (4)....



Photo 36: A more permanent displaced persons camp, Longonot
(Source: Owen Campbell)

These developments led to the signing of an agreement on February 28, 2008, by Kibaki and Odinga leading to the formation of a coalition government. According to the agreement, Odinga would become Kenya's second prime Minister while Kibaki remained the president. It was agreed that the president would appoint cabinet ministers from both Party of National Unity and Orange Democratic Movement camps depending on the number of elected members a party had in parliament. The coalition government was also to have a vice-president and two deputy Prime Ministers. It was also agreed that the coalition government would remain in place until the end of the current Parliament or if either of the parties withdraws before that time (a five year period). However, with the current debates and pressure to introduce constitutional changes, Kenya is likely to see yet another shift in its political structures and governance.

The new president, Jomo Kenyatta, saw Kenya as one country in which all were free to live where they wished. He saw all Kenyans as participating in the country's future progress. Kenyatta promoted the idea of *Harambee*, meaning “let’s all pull together” as a rallying point for progress, and as a way of getting the whole nation involved in developing the country. Access to land would no longer be restricted by the colonial allocation of land to different groups of people. Also, the government purchased nearly 3000 farms from Europeans who decided to leave Kenya, and distributed them to landless Kenyans.

While some land was distributed to the poor, the Kenyan elites obtained much of the land of departing settlers. The shortage of productive land for the majority increased as the population grew. During the 1960s and 1970s, Kenya was one of the most economically successful countries of Africa. Economic success did not, however, produce sufficient investment either in smallholder agriculture or in labor-intensive industry to meet the demands for jobs from the rapidly growing population.

The economic gains were unevenly shared among the people and between different regions. Wealth became concentrated in a small and politically powerful elite who acquired large areas of Kenya's most productive farmland. For the non-wealthy majority the high cost of loans, taxes on farming machinery, fertilizer and seed, restricted their opportunities. In contrast, the wealthy have used their political power to direct much government investment to the areas they own.

During the later years of colonial rule and throughout the period since independence in 1963, the land issue has remained central to life and politics in Kenya. Successive governments have tried to find ways to solve the problem. Despite putting land under irrigation, redistributing some of the lands owned by European settlers, and technical changes such as new crop varieties and the application of fertilizers, severe land shortages remain.

As intensification of smallholder production in western and central Kenya failed to stem the demand for land so increasing numbers were forced to seek land elsewhere, and, ecological as well as socio-economic factors became important. Looking for new land with at least some production potential, farmers migrated to the lower and less productive lands adjacent to the highlands, finding 'islands' of high potential and irrigable land along streams, in these arid and semi-arid parts of the country.

Both planned and spontaneous settlement has occurred in these areas. The majority of people migrated spontaneously. Some were able to get access to islands of high potential land in, for example, the Maasai Reserve, by persuading relatives to allow them to farm there. Others entered wildlife and forest reserves and are confronted on a regular basis by efforts to remove them. Still others have moved into the less productive lands at the margins of the highlands such as in Tharaka and lower Kitui. Production in these areas under traditional technology and variable climatic conditions is risky and unpredictable. Recently-developed dry land seed varieties and the possibilities of irrigation have reduced the risks. However, the majority of dry land smallholders are too poor to take advantage of these technical improvements.

Much of the land put under crops was formerly part of the resource base of herding groups or wildlife. Though small in area they represented the best of their resources. Thus, as the process of land competition has spread outwards from the central and western parts of the country, so herders have lost out to farmers (Photo 37). This process continues to diffuse into Kenya's semi-arid lands. Livestock production is restricted to increasingly unproductive areas while



Photo 37: Watering sheep and goats, Kajiado District

farming extends into locations with a less predictable environment. The marginal lands have received little government investment. Most available money was given to a small number of irrigation schemes and to tourism-focused wildlife conservation.

Over the past 30 years the farming frontier has expanded into the rangelands, traditional homes of nomadic livestock herders such as the Boran, Maasai, and Turkana (Photos 38 and 39). Farmers have had to confront these herders who were already feeling the pressure of national parks and reserves. Land conflict, intensification of land use, and land degradation has followed the movement of farmers into these lands.



Photos 38 and 39: A Turkana Chief (left) and Turkana Village (right)

Recent History - The Land Question, The "Tribal" Question, and Issues of Poverty and Distribution

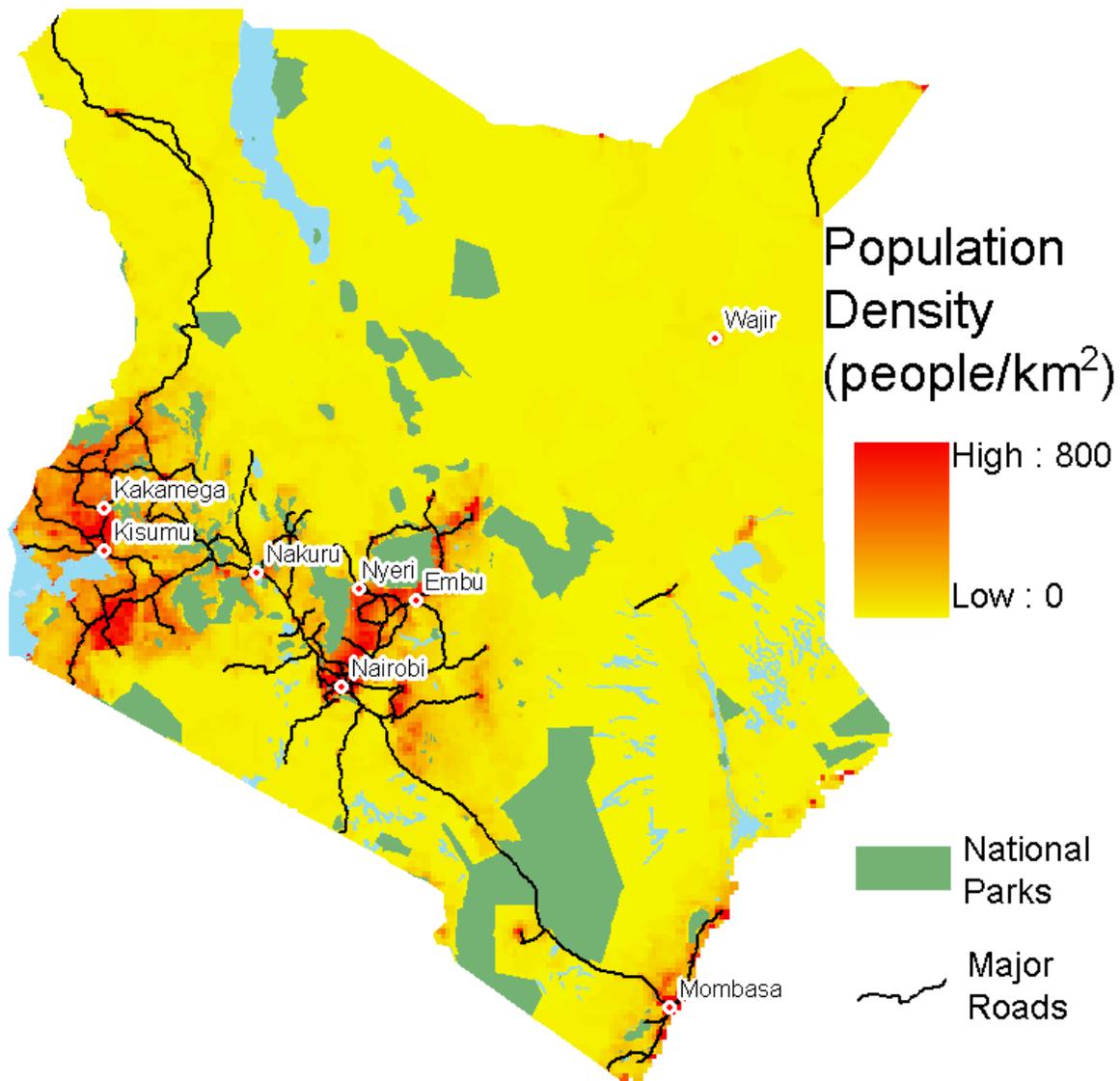
The land question continues being a major source of conflict between different ethnic groups in Kenya. The two former Presidents, Jomo Kenyatta and Daniel Arap Moi have been accused of using their power to make land and other government jobs accessible to members of their own ethnic group. Kenyan politicians themselves are using the uneven distribution of resources including land to create animosity between members of different ethnic groups. Land clashes have become common episodes between the Kalenjin and the Kikuyu, Maasai and the Kisiis, and Maasai and Kalenjins. In 1990, politicians instigated the famous 'Molo clashes' leading to violent clashes between the Kalenjin and other tribes. Along the coast, the coastal people rose against the upcountry people in 1991 leading to the famous "Likoni Clashes". In Narok district, the Maasai politicians have continued encouraging their people to drive out the non-Maasai. This development has led to violent clashes between Kikuyus and Maasais in this area. The Maasai politicians claim that most of the non-Maasai people were settled there during the Kenyatta era. During such clashes, the non-Maasai farmers are forced to abandon their lands and relocate elsewhere. Land related clashes continue heightening insecurity and poverty in Kenya.

Given that Kenya's industrial development is not increasing quickly enough to provide jobs for the rapidly growing population, the majority of the population still depends on the land for their living. However, with shortage of land, the poor people continue being in a crisis. The gap between the rich and the poor has increased just as are cases of corruption. The politicians and other prominent people continue 'grabbing' public land at the expense of the poor majority. The land question remains critical in Kenya's security and general development.

People, Population Size and Growth

The population of Kenya was estimated at 38 million in 2008 (Population Reference Bureau 2008) and is expected to grow to over 46 million by 2015 (UNDP 2008). In 2005 approximately 3 percent of the population was over 65 years of age and 42.5 percent of the population under 15 years of age (UNDP 2008), and the life expectancy at birth is 50 years for men and 48 for women compared with 75 for men and 81 for women in the USA (World Bank 2008). About 80 percent of the population lives in rural areas (World Bank 2008) and 10 percent in cities with over 750,000 people compared with 47 percent in the USA (Population Reference Bureau 2008). The World Bank (2008) estimated that in 2006 per person income in Kenya was equivalent to \$1300. The UN estimates that 79 percent of the eligible population is enrolled in primary schools and the adult literacy rate is about 75 percent (UNDP 2008).

Map 6: Population



According to Encyclopedia of the Nations in 2001: “The capital city, Nairobi, had a population of 2,205,000 Mombasa, the chief seaport, had an estimated 465,000. Other large cities and their estimated populations were Kisumu, 185,100, Nakuru, 163,000 and Nyeri, 88,600.” (<http://www.nationsencyclopedia.com/economies/Africa/Kenya.html>).

One of the remarkable characteristics of Kenya’s demography is the decrease in the rate of growth of Kenya’s population from nearly 4 percent in the 1970s that had a doubling time of 17.5

years to a projected 2.6 percent for 2005-2015, doubling every 27 years. The major factor is that fertility rates have declined over the past twenty years because Kenyan women now want to have fewer children. The improved status of women, better economic conditions, better education, and the availability of family planning facilities have also made this possible. In the past, women had few rights separate from those of their husbands, little education, and almost no economic independence. This has changed, and today women play important roles in all aspects of Kenya's social, economic, and increasingly political life.

With most of the country classified as semi-arid or arid, some 75 percent of the population is concentrated in a high potential agricultural belt which runs north-west from Nairobi to the Ugandan border (although this belt forms only 10 percent of the country's land area). Northern Kenya is arid and sparsely populated and most of its people lead a nomadic life. The Kikuyu live in the central highlands and have traditionally been dominant in commerce and politics. A small European settler population remains in the highlands, involved in farming and commerce. Of the population of 3 million that lives in Nairobi, more than half live below the poverty line.

More than 75 percent of Kenya's people are involved in agriculture, and the majority are located in those areas that have a sufficient rainfall for crop production to be reliable (Map 6). The number of rural households doubled from 1.7 million in 1976 to an estimated 3.5 million in 1992. As the population grew the land has been sub-divided among family members to the extent that many farms are today unable to support the people dependent upon them. Around 75 percent of farms cover less than two hectares, and the average farm size dropped from 2 hectares in 1982 to 1.6 hectares in 1992. The percent of people who are landless increased from 18 to 25 over the same period. Poverty is widespread.

Different Groups and their Distribution

Kenya's population is among the most diverse in Africa. The 1989 Census showed that there are over 40 different ethnic groups among Kenya's citizens. These include farmers such as the

Kikuyu (see BOX 2), Meru and Embu, and the Luo who live in western Kenya, around Lake Victoria. The herders such as the Turkana and Galla, and the Kalenjin live in the area of the western Rift Valley to the northwest of Nairobi. They include a number of smaller groups such as the Nandi, and the Tugen - to which former president Moi belongs. The Kalenjin are thought to be related to the Maasai. During his tenure in office, President Moi's influence benefited some wealthy Kalenjin people, but did not substantially change the economic prospects for most of the rural Kalenjin pastoralist communities.

Before the British colonial system was established, intermarriage was common in Kenya and yet they fought over territory and raided each other for cattle, crops and captives. While they controlled core areas the borders were in flux. The arrival of the British and their allocation of land altered the situation dramatically. The major groups were assigned territory within which they were encouraged to remain. Each area came to be closely associated with the group living there.

At independence in 1963 President Jomo Kenyatta declared that all of Kenya was for all Kenyans. While there have been significant migrations of people, the pattern established during the colonial period remains today. Kenyatta's declaration was an indication that he wanted all the people of Kenya to belong to one nation, that they would be Kenyans.

Despite this, the many ethnic groups and their lands became associated with political parties and movements. Over time ethnic affiliation has been used effectively for political ends. The majority of people in Kenya see themselves as both members of their ethnic groups and as Kenyans. They speak the language of their group and the national language, Kiswahili. Those that have been to school speak at least, some English.

BOX 2: THE KIKUYU

The Kikuyu are today the most populous of Kenya's ethnic groups, numbering over 7.5 million equal to about 22% of Kenya's population. They cultivate the fertile central highlands and are the most economically active ethnic group in Kenya. They live in the mountainous areas on the slopes of Mt. Kenya and north of Nairobi.

The Kikuyu are thought to have arrived in this area about 400 years ago. According to tradition, the founder of the group Gĩkũyũ was led to this area by the god Ngai, who also provided him with a wife (called Mumbi). They had nine daughters from whom the present nine major clans of the group are descended.

The Kikuyu used to be both farmers and owners of cattle, with cattle representing wealth. The major crops were millet, maize, beans and sweet potatoes which were their basic foods. They traded extensively with neighboring groups such as the Maasai and the Kamba.

The Kikuyu were greatly affected by British colonization. Much land was taken from them to settle people from Europe, and as the colonial economy expanded so the Kikuyu became involved as laborers on farms and in towns. Missionaries were very active in Kenya as well. They promoted health care, schooling as well as Christianity. The Kikuyu were quick to adapt, forming political associations and seeking access to the colonial economy for their farm products.

During the war against the British that was fought in the 1950s the Kikuyu were among the most prominent fighters. Jomo Kenyatta, Kenya's first president was a Kikuyu and was imprisoned for his leadership against the British. After independence the Kikuyu became the most powerful political group in the country, though factions within them, for example between those from Nyeri and those from Kiambu, often challenged each other for leadership.

BOX 3: THE MAASAI

The term Maasai refers to those people who speak the Maa language. They include pastoral people, such as the Maasai and Samburu, who traditionally depended upon the products of their cattle, sheep, and goats for their survival. It also refers to the more settled farmers such as the Wa-Arusha of Tanzania. The Maasai had occupied much of the Rift Valley and adjacent highlands by about 600 years ago.

In Kenya, the Maasai are herders who live in the southern districts of Narok and Kajiado. These are the areas to which they were assigned by the British. The Maasai have maintained strong traditions while also being willing to adapt to new ideas when they saw them to be to their advantage. The Maasai are organized into clans and into age sets. The clans are associated with territories over which each has primary claim. The age sets are a male institution which cuts across clans. Age sets represent the organizational hierarchy of the Maasai. In their teens, boys are circumcised and become morans, warriors. When a new set of warriors is circumcised, the existing warriors become junior elders, and the existing junior elders become senior elders. It is the senior elders that govern the group.

Many in Kenya and beyond see the Maasai as having resisted modernization and as continuing a traditional way of life. The British colonial government and the Kenyan government since independence lamented the Maasai's apparent hold on tradition and refusal to enter the modern world. The proud Maasai warrior in traditional dress and hair painted in red ochre is one of the most enduring images of Kenya, sought by tourists and promoted by tourist advertising.

In reality, the nearly 400,000 Maasai maintain much of their tradition, but they are also altering their way of life to meet the demands of modern Kenya. Even under the British, they were quick to welcome veterinary improvements, such as vaccinations against hoof and mouth disease and dipping to get rid of ticks. Education and modern health care are widely accepted. Their diet includes more grains and vegetables than in the past, and many Maasai cultivate crops. Increasing numbers are moving to towns, and in Nairobi young Maasai specialize as security guards, cashing in on the warlike reputation of the moran.