

WHO OWNS THE LAND?

BLOOD AND SOIL ISSUES IN THE KENYAN RIFT VALLEY

PART 1:

The passion with which millions of citizens valued their presidential vote in the stolen 2007 presidential elections can be reflected in scenes of the bloody post-election clashes today that engulfed Rift Valley, Nyanza, Coast, Nairobi, Western and to a less extent in other parts of the country. Nakuru was the latest epicenter of inter ethnic murders. The violent reactions to rigged elections may reflect the pain of deep and historically rooted injustices some of which predate Kenya's independence in 1963.

They are in fact motivated and exacerbated by landlessness, joblessness, and poverty believed to be heavily contributed towards by the prevailing political status quo that has dominated Kenya since independence. This is a system that has continuously perpetrated, in successive fashion, socio-economic injustices that have been seamlessly transferred from one power regime to the next.

The Land issue

With a fast growing population in Kenya, limited resources including land and jobs, have severely been put in extreme pressure. Responsive political operatives cognizant of this reality have appreciated the importance of incorporating progressive policies that seek to aggressively address poverty, landlessness, unequal distribution of resources and unemployment, as a matter of priority (in their party manifestoes) if any social stability is to be maintained in Kenya.

Without doubt, the opposition party ODM sold an attractive campaign package that sought to address historic land injustices, unemployment, inequitable resource sharing and poverty through a radical constitutional transformation, under the framework of the people-tailored Bomas Constitution Draft.

ODM proposed to tackle the land problem through clauses in the Bomas draft, captured under devolution and land chapters, with specific plans to form a National Land Commission to address the issue of landlessness and historic injustices of expropriation of native land by colonial and post-colonial powers.

The roots of the land conflicts in Rift Valley land lie with the former colonial power, Britain, post-independence land policies by the Jomo Kenyatta, Daniel Moi and Mwai Kibaki administrations; and the tendency for ethnic favouritism and patronage by power wielders.

Colonial expropriation of native lands in Rift Valley and Coast.

In a nutshell, the British settlers literally grabbed native Maasai and Kalenjin lands in Rift Valley and Miji-Kenda, Taita and Taveta land at the Coast. At the Coast, there was also the added grabbing hand of the Middle-East Sultans who lay claim to another Coastal strip. Millions of voters from these

communities (now deeply affected by landlessness and poverty) are today largely drawn towards ODM's reform policies that seek to address these INJUSTICES.

Long before Independence, vast arable tracts of the Rift Valley were designated as White Highlands, reserved for European settlers. The pastoralist communities, mainly Kalenjin and Maasai, were simply moved away.

The 1904 and 1911 Anglo-Maasai land "Agreements" details the unjust grabbing of Maasai lands in Laikipia, Naivasha, Ngong, Karen, and tracts along the Uganda Railway line whereby uneducated Maasai Laibons either friendly to, or fearful of the British (christened Paramount Chiefs) like Lenana Ole Mbatian, were cajoled and intimidated into giving away native fertile Maasai land to the colonialists.

The words in the "Agreements" read like "we the undersigned, being the Laibons of clans of Maasai, have of our own free will, decided that it is for OUR best interests to REMOVE OUR PEOPLE, FLOCKS, AND HERDS into definite reservations away from the Railway line and away from European settlements....." and ".....In conclusion, we wish to state that we are quite satisfied with the foregoing arrangement, and we bind ourselves and our successors, as well as OUR PEOPLE, to observe them as long as the Maasai as a race shall exist.."

The next thing we knew was that the Maasai were crumbled into arid portions of present day Kajiado and Narok districts. Grazing fields, and the very pastoral lifestyle of the Maasai instantly became threatened and continues to do so as we speak, without any restitution, compensation or pro-active rehabilitation into another life.

100 years later, when asked to address this burning Maasai land issue, former Lands Minister appointed by Mwai Kibaki, Mr. Amos Kimunya (now Finance Minister), once told the Maasai that there was nothing to address since the wise Maasai forefathers had given away their land to the British in a BINDING AGREEMENT which continues to apply to date.

Well, similar horrid but true stories applied in Kalenjin lands of Rift Valley and at the Coast too. Before independence, Kenyan political parties argued over whether the native land should be returned to the indigenous population under a federalist system of government or kept firmly under the control of a centralised state. Needless to add, those who favoured the latter option, in the form of the Kenya African National Union (KANU), which went on to form a government under Jomo Kenyatta, prevailed.

PART 2: 1963 – Independence, enter Jomo Kenyatta and GEMA Land-buying companies. Trouble is, we had a majimbo constitution at independence.

Jennifer Widner explained in her 1992 book, *The Rise of A Party-State in*

Kenya: From "Harambee!" to "Nyayo!" that KANU urged central control of all regions in an effort to forestall local majimbo legislation restricting land transfer to those born in the area, and to maintain the foothold of the party's Kikuyu supporters in the Rift Valley land market".

Many settlers were returning to Britain. Kenyatta and his cronies quickly formed the Settlement Transfer Fund Schemes (STFS) and asked the British for a loan to the Kenyan government, to buy off land from colonial settlers returning to Britain. Good idea up to this point.

Britain, having been reassured by Kenyatta that those settlers still wishing to stay on in Kenya would not have their land repossessed, advanced the money. This money was used to buy settler land which was officially sold into the Kenyatta initiated Settlement Transfer Fund Schemes (STFS).

Next, Kenyatta began to give away and sell for peanuts, these government (STFS)-acquired, former colonial land parcels, to himself, his family and cronies around 1964 and 1965. This is the point when the rain started beating Kenya.

Kenyatta's then Vice President, Jaramogi Oginga Odinga, cried foul and rejected these acts of wanton land grabbing. The opportunity to choose nationalism and selflessness over greed and ethnic tendencies was lost.

Rather than address this land issue once and for all, Kenyatta opted to REPLACE the settler colonialist in land they had initially grabbed from natives. We have begun harvesting the seeds of the mustard sown by Kenyatta in the 1960s. It will not be sweet at all.

The Seroneys and other Nandi and Kipsigis leaders immediately cried foul when Kenyatta ensued in his land grabbing tendencies. So were many Maasai and Miji-Kenda leaders like Ronald Ngala. Their cries were feeble and over run. Today and tomorrow, their descendants will demand justice and restitution in an exercise that threatens to tear apart Kenya's social fabric.

Who will shoulder the burden of the fruits enjoyed by Kenyatta and his cronies, Moi and his cronies, and Kibaki and his latter day cronies? Will it be the poor Kenyan taxpayer taking the bill in form of blood, and more taxes?

Going back....down memory lane..... in the immediate post-independence era, the moment, the Seroneys and Ogingas started crying foul, and nothing was done, we entered a dangerous phase of our nation's socio-political path.

The political leadership of Kenya began carving out into two distinct groups. The pro-Kenyatta land beneficiaries, sycophants and apologists were Tom Mboya, Daniel Moi, Paul Ngei and others. Another force resisting the greedy post-Independence governance by Kenyatta was led by Jaramogi Oginga Odinga, and included several former KADU operatives like Ronald Ngala, Jean Marie Seroney, Masinde Muliro, Martin Shikuku and others.

Kenyatta soldiered on with his grabbing. He concurrently went ahead with the help of Tom Mboya to change the constitution to give immense imperial powers to the Presidency. He further began using such powers to allocate more land to his cronies and sycophants.

His salivating appetite for Rift Valley land largely motivated his choice of Rift Valley natives as Vice President after Oginga Odinga. First he chose a *Maasai*, Joseph Murumbi, who read the scheme of land-betrayal on his people and resigned in a huff.

Then Kenyatta selected Daniel Arap Moi, a *Tugen* not drawn in the Nandi and Kipsigis land battles, as his next loyal VP. He then descended upon grabbing Rift Valley and Coastal land in a business as usual and "mtafanya nini" attitude that Kibaki is trying to emulate today.

Kenyatta cronies including Mbiyu Koinange, Njoroge Mungai and others devised a clever scheme to further benefit themselves from the land transferred from the colonialists. They formed land-buying companies through loans which were actually funded with tax-payer money.

At the height of land buying companies, most of the power brokers acquired huge chunks of land at the expense of the landless, who were meant to be the initial beneficiaries of the scheme.

According to Widner (in her book), by 1971, more than 60% large-scale farms around Nakuru and 40% of small scale settler farms, were held by Kikuyu, who fared very well from this arrangement, at the expense of other Kenyan communities.

Another scholar noted that "Using the political and economic leverage available to them during the Kenyatta regime, the Kikuyu, took advantage of the situation and formed many land-buying companies. These companies would, throughout the 1960s and 1970s, facilitate the settlement of hundreds of thousands of Kikuyu in the Rift Valley," wrote Walter Oyugi in *Politicised Ethnic Conflict in Kenya: A Periodic Phenomenon*.

In 1969, Jean Marie Seroney, a leading Nandi politician and MP, issued the Nandi Hills Declaration, laying claim to all settlement land in the district for the Nandi. His demands went unheeded.

Aping the British, Kenyatta government used a policy of divide-and-rule to neutralise such opposition by parcelling out land to other ethnic groups and thus winning their allegiance. Daniel arap Moi, the then Tugen vice-president was allocated the settler farms of the Lembus Forest and the Essageri Salient to divide the Tugen from the Nandi like Seroney.

PART 3: The Grabbers of the Rift Valley

Most of the power brokers in the Kenyatta regime who formed land-buying companies established huge farms in the Rift Valley either jointly or on their

own. They included Njenga Karume, the then Chairman of Gema Holdings, who acquired 20,000 acres in Molo where he is growing tea, coffee, pyrethrum and potatoes and 16,000 acres in Naivasha.

GG Kariuki acquired his 5,000 acres at Rumuruti, Laikipia Division, while former Attorney-General Charles Njonjo bought into the 100,000 acre Solio Ranch. Don't forget, grabbing of settler land in Central by many colonial collaborators, at the expense of the Mau Mau fighters, was part of the scheme.

Senior Chief Munyinge from Muiga took 400 acres. Initially, senior chief Munyinge was allocated only 70 acres but with time he managed to acquire 330 more acres.

Mwai Kibaki acquired 20,000 acres in Nanyuki. Former MP the late Munene Kairu has 32,000 acres at Rumuruti.

Mr Isaiah Mathenge, the former powerful Provincial Commissioner under Kenyatta and an MP under Moi, is arguably the largest land owner in Nyeri municipality. He owns *Seremwai Estate*, which is 10,000 acres.

Kibaki's friend, Kim Ngatende, a former government engineer, has 500 acres too. Mathenge also owns—jointly with former Provincial Commissioner Lukas Daudi Galgalo—the 10,000-acre Manyagalo Ranch in Meru.

Back in Rift Valley, as Jaramogi and the rest of Kenyans were saying, *Not Yet Uhuru*, it was land grabbing business as usual. Land-buying companies were heisting big. The result was big acquisitions, for instance, *Munyeki Farm*—which stands for Murang'a, Nyeri, Kiambu – (4,000 acres), *Wamuini Farm* (6,000 acres), *Amuka Farm* (2,000 acres), *Gitaraba Farm* and *Githatha Farm* (1,000 acres each) and *GEMA Holdings* 12,000 acres. A few of them are being utilized, today with the owners growing various crops ranging from coffee, tea, maize and dairy keeping.

The other big farms include *Chepchomo Farm* (18,000 acres), owned by the former Provincial Commissioner Ishmael Chelang'a. The family of the late Peter Kinyanjui, who was a close friend of President Mwai Kibaki and a former DP Chairman in Trans Nzoia between 1998 and 1999 owns 1,800 acres.

In Nakuru, several politically connected individuals have acquired many acres of prime land within the town—they include lawyer Mutula Kilonzo, who owns an 800-acre farm for dairy farming. The immediate former Auditor General, D. G. Njoroge, owns 500 acres, while Biwott's Canadian son-in-law & co-owner of Safaricom (Mobitelea) a Mr. Charles Field-Marsham, boasts a 100-acre piece where he is growing roses.

D. G. Njoroge also owns the extensive *Kelelwa Ranch* in Koibatek, is less than 10km from Kabarak, where he rears cattle and goats. The 10,000 acre *Gitomwa Farm*—acronym for Gichuru, Tony and Mwaura—is owned by the

family of the former Kenya Power and Lighting Company Limited (KPLC) managing director, Samuel Gichuru. Tony and Mwaura are his sons.

Another 10,000 acre farm in Mau Narok belongs to the family of the late Mbiyu Koinange, Kenyatta's side-kick and powerful minister of state in the Office of the President. His *Muthera Farm* (4,000ha) is leased to different people to grow wheat, while a group of squatters is demanding a piece of it. The owners are yet to clear the Sh7 million Settlement Transfer Fund loan.

Ford-People leader Simeon Nyachae's Kabansora Holdings owns 4,000ha in the area. Former Rongai MP Willy Komen's family owns 10,000 acres — 5,000ha adjacent to Moi's Kabarak Farm and another 4,800ha near Ngata in Njoro.

Coast Province was not spared. Kenyatta family owns almost 15% the prime resort land in the province, besides a huge sisal plantation spanning both Taita and Taveta districts, safely watched by his son-in-law and former MP Marsden Madoka, and another close friend to Uhuru Kenyatta, and current Minister in Kibaki's Coalition Government, Naomi Shaban.

PART 4: Kenyatta's Land holdings

Kenya's two former First Families and the family of President Mwai Kibaki are among the biggest landowners in the country. The extended Kenyatta family alone owns an estimated 500,000 acres — approximately the size of Nyanza Province — according to estimates by independent surveyors and Ministry of Lands officials. (This report first appeared in the Standard Newspaper report by Mr. Otsieno Namwaya).

The Kibaki and Moi families also own large tracts, most held in the names of sons and daughters and other close family members, all concentrated within the 17.2 % of Kenya that is arable or valued. Remember that 80 per cent of all land in Kenya is mostly arid and semi arid land.

According to the **Kenya Land Alliance**, more than a 65% of all arable land in Kenya is in the hands of only 20 per cent of the 35 million Kenyans. That has left millions absolutely landless while another 67 per cent on average own less than an acre per person.

The building land crises in the country, experts say, will be difficult to solve because the most powerful people in the country are also among its biggest landowners. The tracts of land under the Kenyatta family are so widely distributed within the numerous members in various parts of the country that it is an almost impossible task to locate all of them and establish their exact sizes.

During Kenyatta's 15-year tenure in State House, he used the elaborate STFS scheme funded by the World Bank and the British Government, to acquired large pieces of land all over the country. Other tracts, he easily allocated to his family.

Among the best-known parcels owned by Kenyatta's family, for instance, are the 24, 000 acres in Taveta sub-district adjacent to the 74, 000 acres owned by former MP Basil Criticos.

Others are 50, 000 acres in Taita that is currently under Mrs Beth Mugo, an Assistant minister of Education and niece of Kenyatta. 29, 000 acres in Kahawa Sukari along the Nairobi—Thika highway, the 10, 000 acre Gichea Farm in Gatundu, 5, 000 acres in Thika, 9,000 acres in Kasarani and the 5, 000-acre Muthaita Farm.

These are beside others such as Brookside Farm, Green Lee Estate, Njagu Farm in Juja, a quarry in Dandora in Nairobi and a 10, 000-acre ranch in Naivasha. There is another 200 acres in Mombasa, and 250 acres in Malindi.

Other pieces of land owned by the Kenyatta family include the 52,000-acre farm in Nakuru and a 20,000-acre one, also known as Gichea Farm, in Bahati under Kenyatta's daughter, Margaret. Besides, Mama Ngina Kenyatta, widow of the former President, owns another 10, 000 acres in Rumuruti while a close relative of the Kenyatta family, a Mrs Kamau, has 40,000 acres in Endebes in the Rift Valley Province.

Uhuru owns 5,000 acres in Eldoret, 3,000 acres in Rongai and 12,000 acres in Naivasha, 100 acres in Karen, and 200 acres in Dagoretti. A 1,000-acre farm in Dagoretti is owned by Kenyatta's first wife Wahu.

It is also understood that part of the land on which Kenyatta and Jomo Kenyatta Universities are constructed initially belonged the Criticos family. The government bought the land from him in 1972 under the Settlement Transfer Fund Scheme and transferred to the Kenyatta family the same day Criticos sold it to the government. Land for the two universities was subsequently sold partly and a portion donated by the family.

PART 5: Kibaki's and Moi's Land Grabbing

One of President Kibaki's earliest grabs is the 1,200-acre *Gingalily* Farm along the Nakuru-Solai road. And in the 1970s, Kibaki, who was then the minister for Finance under Kenyatta, via STFS transferred to himself, 10,000 acres in Bahati from the then Agriculture minister Bruce Mckenzie.

Kibaki also owns another 10,000 acres at Igwamiti in Laikipia and 10,000 acres in Rumuruti in Naivasha. These are in addition to the 1,600 acre Ruare Ranch.

Just next to Kibaki's Bahati land are Moi's 20,000 acres although his best known piece of land is the 1,600 Kabarak Farm on which he has retired. It is one of the most well utilised farms in the area, with wheat, maize and dairy cattle.

The former President owns another 20,000 acres in Olenguruoni in Rift Valley, on which he is growing tea and has also built the Kiptakich Tea Factory (torched early 2008 Post election violence).

He also has some 20, 000 acres in Molo. He also has another 3, 000-acre farm in Bahati on both sides of the Nakuru/Nyahururu road where he grows coffee and some 400 acres in Nakuru on which he was initially growing coffee.

The former President also owns the controversy ridden 50, 000 acre OI Pajeta Farm—part of which has OI Pajeta ranch in Rumuruti, Laikipia. Some time in 2004, Moi put out an advert in the press warning the public that some unknown people were sub-dividing and selling it.

Can solutions be found to address these land problems?

This is clearly a socio-political problem that requires a political solution. It involves digging up the archives, consulting experts, policy makers, local politicians and community elders to find a comprehensive solution.

Such formulated blueprints can then be sold to Kenyans of all creed, race, religion and ethnicity in a publicity campaign that seeks to draw in as many supporters as possible. A responsive political party genuinely keen to tackle this tough problem can actually sell a comprehensive and just land reform policy as part of its manifesto.

These must be cognizant of the constitutional implications concerned in addressing past and present land issues.

What we are witnessing in Rift Valley may just escalate to new heights considering the fundamental weight of the underlying blood and soil issue of land.