

Squatter Question and Politics of Settlement Schemes in Trans-Nzoia Kenya: Some Conceptual and Theoretical Reflections

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Abstract

Review Article

Historically, in most African countries settlement schemes have always been established with the aim to settle displaced persons or to provide landless families and squatters with land. Conventionally, these schemes have been regarded as a means to increase agricultural production and to further rural development through optimal utilisation of physical and human resources. In Kenya, the transfer of expatriate-owned farms began a few years before Independence. In retrospect, the most important characteristic of the process was not the transfer from European to African ownership but the break-up of many large farms in smallholder units, although there was considerable variety in types of settlement. From the very beginning, the settlement policy of the government of Kenya had to serve political as well as development objectives. By 1930s squatter labour had become the main source of labour on settler farms and estates and as such servicing the colonial economy. As such, squatting was a response on the part of ordinary people to the changing structure of the colonial economy, when Africans became a subordinate part of a system of capitalist production. The administrative framework of ordinances and policies that structured rural-urban migration first impelled men to seek wage labor and gradually brought whole families to the cities. This study looks at theoretical and conceptual issues on land settlements in relations to squatter problem in Nzoia.

Keywords: Squatter Politics Trans-Nzoia labour utilisation.

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INTRODUCTION

Several studies have been conducted concerning the squatter crisis across the world. However, there exists very scanty literature on origins and development of squatter in Trans-Nzoia, as well as their nature and impact. The few that exist generally address divergent courses. For example, Kivutha describes “squatters are persons that assert land rights or occupy for exploitation but not registered in their names, government land or land legally owned by others”. This definition in essence recognizes the problem of Squatters in Kenya generally but does not specifically examine it from the historical perspective. It does not actually state how these squatters came about and how the land owners acquired their lands. The historical issues eminent to the evolution of squatters in Trans Nzoia County are what the study seeks to address by detailing the incidences that led to it [1].

¹Kivutha, K. (2000). “Efficacy of State Intervention in Curbing the Ills of Individualization of Land Ownership

According to World Bank [2]. Vacant and even private land attracts squatters as they need a place to settle. It clarifies that land can be left unoccupied following factors that may be speculative or genuine. Constraints brought about as a result of poor economic organizations may deny individuals chances to progress in their developments. This brings the reality that squatting occurs on private property where human labour was a source of cheap labor on such farms. In the course of time, squatter becomes an obstacle to the state. Apart from this generalized outlook, it is not known exhaustively concerning the economics of squatting [3].

in Kenya” The Faculty of Law, University of Nairobi Press, 109.

World development indicators. Washington DC: World Bank, 38-41

³See “Public for private: The relationship between public and private school enrollment in the Philippines,” *Economics of Education Review*, 20(4): 389-400, 2001 (with Y. Sawada). “Do Community-

The extent as well as unending prevalence of the squatters is still something debatable in Trans Nzoia. Squatting, as Dobbz emphasizes, “is seldom an end in itself.” Some squatters want permanent, sustainable, affordable housing for themselves or others, including the homeless; others squat to draw attention to issues of justice. In conclusion squatting is just one aspect of a much larger issue that affects all of us [4].

According to Gardiner [5], there is no person or community dispossessed of property without compensation. He clarifies that the Act of Parliament of Kenya provides that a person either is reinstated of that property or to equitable redress which is a right way forward. Kenyans lost their essential resource when the British ruled the country. Africans practiced customary land laws whereby land was owned by any individual recognized as the inhabitant of the region by the community at large. There was no history of landlessness in an African set up. To explain why customary land ownership is not working worldwide is to look at the dawn of European settlers. As explained by Payne, colonialism put customary tenure systems under pressure through primitive accumulation. Primitive accumulation of African land, as noted by Colin referred to this as accumulation in Europe because, he said, it was the legendary method of exploiting the poor and denying them the opportunity to participate in economic activities-the prehistoric stage of capitalism [6].

Eviction of Africans from their land began in South Africa. Cohem states that rove time took place in 1658, which was followed by assertive annexing the Eastern Cape in the 1800s. Europeans were determined to dispose Africans at all costs. The 1904 Masters Counterfeit badly detached alien present menacing tenants of forceful sponsorship by defining them as squatters instead of wage laborers [7].

Managed Schools Work? An Evaluation of El Salvador’s EDUCO Program,” World Bank Economic Review, 13(3): 415-442, September 1999 (with Y. Sawada).

⁴See Dobbz, Hannah. 2012. *Nine-Tenths of the Law: Property and Resistance in the United States*. Oakland, CA: AK Press, 181

⁵Gardiner, B. (1997). “Squatters’ Rights and Adverse Possession: A Search for Equitable Application of Property Laws.” *Indiana International and Comparative Law Review*, 8: 119–57.

⁶Adsera, A., Boix, C. and Payne, M. 2003, Are you being served? Political accountability and the quality of government, *Journal of Law, Economics and Organization*, 19(2), 445-490.

⁷See Cohen, J. (1988). *Statistical power analysis for the behavioral sciences*. Second Edition. Hillsdale, NJ: Lawrence Erlbaum Associates, Publishers. Cohen, J.

In 1915, colonialists introduced a cash realm accomplishment (Crown Lands Ordinance). This required Europeans to own complete occupation of land belonging to Africans. As a reckoning tumult out land, Africans developed unrest that startled the colonial government and soon established the Carter Commission. The offices recommended Africans to be kept in secluded areas where they would not be allowed to enter the white highlands for any reason. *Journal of law* (2014) describes this as the establishment of humans with no legal rights over land.

In Kenya, as white settlers concluded the land acquisition process, as argued by Wanjala (2000), they embarked on eliminating Kenyan traditional land laws with the reason that loyalty to such tenures slowed economic progress as that was the main goal of colonial advancement. They were to dap all resources within their vicinity for overseas industrial development. As seen in Ochieng, Swynnerton implementation, the second brand of the reform of Kenya, is major in creating squatters in most parts of Kenya because communal land systems were changed into private tenure making land a commodity to be sold. Sorrenson emphasizes that ‘natives’ found themselves squatters after the establishment of private ownership of land through the Swynnerton plan of 1954, the foundation of native evictions. The plan aimed at changing customary land laws to that where individuals solely owned a piece of land through legal processes of registration so that land use in reserves realized economic benefits.

LITERATURE REVIEW

As cited in *Journal from Zimbabwe* (2005), private land tenure can be of much benefit to the people as it gives protection of property advantaging the weak in the society. A good example can be drawn from South Africa, Zimbabwe and Namibia. Zimbabwe had their land policy debate centralizing on advocating for the poor to get productive agricultural land cogitating to superior bucolic presentation and empower the black poor.

According to Sorrenson, Visitors to the district arrived as early as 1910 although it is anticipated that Boer families from South Africa had settled in the region as early as 1908. They were allotted 2000-3000 acre farms each on arrival. The first survey of Trans-Nzoia was conducted in 1912. The first 50 farms surveyed were auctioned in 1913 to white settlers and those unsold were 35000 acres. The foreigners, by 1914, had claimed the remaining 120 farms that had been unoccupied. By 1920, 76 European farmers had settled in the district, with an average holding size of over 970 ha (2,400 acres). After completing a railway branch to Kitale in 1927, European settlement increased

(1992). *Quantitative methods in psychology: A power primer*. *Psychological Bulletin*, 112(1), 155-159.

rapidly and in 1930 there were 315 European farmers in the region. Waweru states that Ex- soldiers too settled in Trans Nzoia after World War 1 and 2. This was the incentive promised them as they went for the war. African soldiers were too eligible to a block of land as a prize for volunteering their services in taking part in the campaigns although this hit a dead end.

Waweru also states that after WW1, there were three schemes established in the region totaling to 72000 acres. These schemes had been designed for white settlers in Trans Nzoia and Uasin Gishu by 1962. They occupied 25000 acres of the located land. European population rose up to 1320 by 1963 whereby the overall population in the whole district was 98308 (Waweru 1974; Stanford 1919) [8].

Payne [9] argues that after independence land that was occupied by colonialists was handed over to the African government to redistribute to the people who had been evicted. It was the aim of this study to assess land distribution mechanisms applied after independence in order to establish reasons behind the presence of squatters in the region to date. This was based on historical narratives and archival resources so that a proper definition of the landless and the squatters in Trans Nzoia was found. The study also sought to find out if landlessness and squatting have any relationship as addressed by those names in the region.

According to Adams [10], 1994 was a year when Kenya's government transformed from a one-party state which had begun during Kenyatta's reign to multi-party system. The major goal the administration focused on was to highlight past land injustices. This programme for Land reform was designed such that the government would have a peaceful transition to avoid hostility over land resources. They had all intention to redistribute land to the neglected population of the country. Focusing on Mandela's control in South Africa, his land redistribution aimed at supporting the less privileged and poor so as to provide for their basic and financial needs. To make it a reality, the management adapted a single but flexible method that would embrace a variety of land needs for those who

⁸ Ibid., 78-81

⁹ Payne, B. Keith, Washington U, Dept of Psychology, St Louis, MO, US. Source: Journal of Personality and Social Psychology, Vol 81(2), Aug 2001, 181-192

¹⁰ Adams, M. and J. Howell (2001). Redistributive Land Reform in Southern Africa. Natural Resource Perspectives 64. Overseas Development Institute: London, UK. Adams, M., S. Sibanda and S. Turner (2000). Land Tenure Reform and Rural Livelihoods in Southern Africa. In: Toulmin, C. and J. Quan (eds) Evolving Land Rights, Policy and Tenure in Africa. International Institute for Environment and Development and Natural Resources Institute: London, UK. 200-2

applied. This resulted to several forms of redistribution programmes ranging from settlement for production, production as a group, settling workers on farms they worked on and schemes for commonage. The willing buyers were supported to buy land directly from purchasers even if it was the by the state. The state at the same time provided funds for other development programmes including planning, facilitating communities, and resolving disputes. All land that was to be purchased by that time was in blocks of thousands of acres.

Deininger (1999) argues that Mandela's government programmes for the disadvantaged successfully redistributed 600 000 hectares of land, a mere 0.6% of fertile agricultural land which had been in occupation by the white settlers, to 45 000 African households in 1994, a period of transition. The 'natives', who had been disposed of their land and could not afford purchasing any piece of land, were restored to their land [11]. This empowered the rural poor as productive assets were put at their disposal. Between 1999 – 2004, the President made other changes to land reform programmes aiming at increasing grants for African commercial farmers. This positively increased the size of land redistribution to blacks to at least 3% (Adams & Howell, 2001).

For Kenya, private land tenure meant denying the poor their right to own land as it was a new practice for most communities. Leys (1994) notes that only the Kikuyu, Aembu and the Ameru had practiced private tenure before colonialism along with communal forms. He continues that the introduction of monetary economy in Kenya spread private tenure to communities who had little knowledge of the system and worse still had no money to purchase land. Such communities squatted on European white highlands while the wealthy Kenyan communities and the elites in particular, were given title deeds to secure their lands in a mean manner. Kanyinga (1998) observes that Trans Nzoia, which was open to both external and internal migrants, experienced a lot of land shortage impacting negatively to redistribution programmes carried out by the African leaders after independence. The study assesses policies carried out by these African successive regimes in Kenya that had led to negative results on redistribution programmes in Trans Nzoia County reducing 'natives' into squatters. The research also sought to assess the impact of private tenure to the People of Trans Nzoia County.

According to Ochieng, (1974), in Kenya, a land reform to benefit African 'natives' was effected in 1963. It was seen that the first reform was to transfer European owned land to Africans which was majorly on

¹¹ Growth and Poverty Reduction in Uganda, 1999–2000: Panel Data Evidence. Authors. Klaus Deininger., World Bank, Washington, DC.

economic purposes but also political in nature. The government aimed at increasing production for the 'natives' and pay off European settlers under the one million acre schemes. As Colin (1994) observes, under this programme which was affected immediately after independence, Africans were allocated white-owned mixed farms. Britain underwrote the land values paid in compensation. The rest of the white highlands were preserved for estates and ranches.

McAuslan (1970), states that the government had under estimated small-scale farmers from the beginning. Though they had planned to redistribute land after independence to subsistence smallholders, small and large economically focused formers, they allocated large amounts of land to large scale commercial farmers who had no skills in agriculture and therefore could not administer the land well. Other large scale farmers were mostly politicians parading government corridors in order to get access to government loans to grab as much land as they could. Large scale farmers posed as black settlers, a new class of African landlords. Most went absent completely after purchasing their farms from white settlers. Such farms were auctioned to small scale commercial farmers who were more than what the government had thought demanding more land which was unavailable by then and so became squatters (Colin, 1994).

McAuslan (1970) argues that from the million-acre scheme, Trans Nzoia was among those who were granted the Haraka scheme where the government, as stated, viewed the results as not satisfactory. He gives the reason for non-satisfaction as, because land in Trans Nzoia was either individually bought or people bought in groups through Cooperative societies. Those who cooperated to buy land had individual partners subdividing these parcels of land according to contributions submitted to the group. Some land was bought by the government, and called these ADC farms for the country's financial economic welfare. The remaining unoccupied land was them rendered (SFT) Settlement Fund Trustee. Which the government bought to settle small scale farmers.

The government set aside some land for a forestation. Towett(2004) asserts this by stating that fifteen blocks of large tracks of land were purchased by the government and currently managed by (ADC), Agricultural Development Corporation, an established governmental parastatal formulated in 1965. Most of these tracks of land have been sub-divided and given to small-scale farmers as tokens or political incentives. These were located at Kisawai and Mt. Elgon in Trans Nzoia mostly.

The remaining ADC farms in Trans Nzoia total to eight blocks whereby some were spared for seed production as well as animal husbandry while one is particularly for producing citrus fruits that serves most

towns in Trans Nzoia. As argued Kanogo (1987), these ADC farms occupy 40,000 hectares of land. All finances that run these farms are generated from the farms themselves and their extension services. Most employees found in these farms are squatters who have lived there their life time. According to Qkoth (1975), these employees' earnings can't sustain a family's basic and educational needs. Most are casual workers whose salaries get exhausted before month end because the farm managers square these from the food stuffs readily available for sell to the hungry labourers. These ADC workers from another kind of squatters in the county. There are about 2000 squatters in each ADC farm who are often Promised Land by political campaigners in vain.

Colin (1994) notes that also lack of funds led to some people in Trans Nzoia form cooperative societies in order to purchase land. Although some succeeded in this, most were deceived by the rich partners who after getting the land marginalized the less powerful leaving them with no solution. This too was a gap which allowed neighboring communities to buy vast tracks of land in Trans Nzoia leaving 'natives' landless.

Squatter systems are spread worldwide not only in Trans Nzoia. They can pose a threat to the country and even its neighbours if not dealt with. The measures to cab the menace remains in the hands of the government as it has to provide its citizens with security from all forms of threat to their lives.

There are numerous studies on squatters in Kenya; however, there exists scanty literature written on the prevalence of squatters in Trans Nzoia County generally. For this reason, the study sought to unveil details of this information by analyzing their history. This was done by assessing land redistribution patterns in the region. The study also sought to add more information on the nature of landlessness in the county to which little had been researched. This was done by drawing examples from other countries with related problems to see how they solved or worsened the situation of squatters in their regions, for example, Brazil, South Africa and Zimbabwe. Through this, the concerned stakeholders would find an everlasting solution to the problem of squatters in the region.

CONCEPTUAL FRAMWEWORK

The theory was used by Antonio Gramsci (1891-1937) to analyse the history of the under privileged class in Asia and India. He explained that Subaltern refers to any person or group of inferior rank and status; whether because of race, gender, sexual orientation, ethnicity or religion. This approach broke away from the previous historical studies which were characterized by the tendency to focus on 'big' issues,

especially political issues and biographies of prominent figures, (Anderson, Perry, 1979).

The Subaltern Studies Group (SSG) which arose in the 1980's especially in India and South Asia and influenced by Eric Strokes and Ranajit Guha, formulated a new narrative in the History of India and South Asia. Guha argued that the voiceless poor or the subalterns are the main actors of social and political change in the society. He further explained that the Subaltern is the poor under classes subjected to exertion of power and hegemonic influence of the dominant power.

Gramsci also studied about workers in Europe who are members of groups marginalized through domination. He states that these were exploited economically and excluded from participating meaningfully to the society. He noted them as the subaltern and the proletariat who he said could only be exploited because they lacked unity. These would make them remain oppressed until they developed the ideology of unifying themselves. This will help lead to balance power and create a new government that will represent and embody their wishes.

Referring to this theory with specific regard to Guha, R. (1983) and Spretnak (1988) who wrote about a peasant uprising in India, it can be stated that the neglected squatters in Trans Nzoia were the main subjects of colonial harassments. This is in line with the English Marxist historian, E.P. Thompson (1980), who wrote the Indian history from below to uncover the hidden histories of forgotten workers, low cash and untouchable groups that traditional historical framework had neglected. It is with this reason that the research sought to use the theory to reclaim the history of squatters, uncover the exploitation of these poor masses in the society and open up the hidden realities in order that the true struggles are undertaken to liberate them from poverty of all manners. Likewise, this add a voice so their forgotten history.

The Subaltern is also defined according to the way he relates to the production modes. This identifies them with the way they arrange their rural resources. These are relations set by illegal procedures over land and laborers. The way the society in Trans Nzoia integrates with their means of production establishes explanations through which the squatters get opportunities to land and other resources together with other additional community economic extracts. Such lessons help give a deep understanding of the native population set up in view that methods they apply in providing for their needs are vital. In Trans Nzoia, few manage useful resources of the society producing for the larger community who are used as tools for production.

Discrimination of land ownership which is the genesis of the subaltern in Africa began with the advent of colonialism. The main mode of colonization was to exploit, annex and conquer land. Colonialists gained power and influence through discriminating the blacks. They also created war between Africans by establishing Native elites who assimilated European ways of life making African struggle for justice more difficult. Native elites joined hands with the exploiters to take advantage on the subalterns suppressing their efforts in any advancement towards development in order to share their exploited wealth. Taking advantage of the situation, the white settlers' whole heartedly discriminated the subalterns grabbing all their resources turning them into beggars. The native elites together with the white settlers' brain washed the subalterns who were made to accept their poverty and inability to contribute to the society, (Guha, Rama Chandra; Gadgil, Madhav, 1995).

The wider and long term implication of this is to look at why some people developed into an elite class, who are in sole responsibility of resources in the society as others became poor, discriminated and marginalized. The explanation is that they were excluded from the politically established structures of the society and therefore denied means by which people had a voice in the society (Gramsci, A.1937). In India, for example, the Subalterns were mostly the illiterate women and rural tribal immigrants, who were oppressed, (Spretnak, C. 1992). Spretnak (2008), argued that post colonialism geographies had created a line of reasoning. He noted that for the oppressed to be heard and known, they must adopt western ways of knowing, reasoning, language and thinking, since in these situation, the subordinate men and women can only be heard in the manner he/she speaks in the same language (Todaro, M. P., & Smith, S. C. 2012).

Subaltern studies focused mainly on the liberalization of the oppressed human beings in the society, but the study of Trans Nzoia squatters, focused on both the liberalization of the poor. Subaltern theory is a relevant theory towards guiding the study of Trans Nzoia squatters, but the biography is to be centered on the fight for democracy, liberalization of the poor. The subalterns, being exploited by the elites are existing phenomena that must be addressed in order to accommodate the majority in the community. It is a reality that the poor and the rich in society are two conflicting groups that directly affect each other's patterns of life. They affect patterns of interaction but also influence their history. This dominant presence and ever increasing squatter communities in Trans Nzoia could even eventually lead to a group of revolts and gang stars in the county. This can be learned from experiences that necessitated the use of the term from the beginning including the marginalized members of the communities from the Christians, Zoroastrians and the Jews.

Therefore, this study adopted this paradigm in arguing that the squatter class is an abandoned lot. The subaltern study brings to be known what history has not unfolded because such were neglected and even forgotten stories or purposely hidden past. Many of the historical works in Trans Nzoia deal with larger financial, social and administrative issues and tribal identity. As such, the downtrodden, like the squatters never have their voices documented in ways that accurately depict their conditions. It is therefore when subaltern studies bring to fore their plight that people can be able to generate ideas on how to improve their conditions. The squatters in Trans Nzoia and elsewhere have undergone a continuous plethora of neglect, subjugation and disdain yet governments have not managed to address their issues. It is therefore incumbent upon modern historians to document their stories so that more and more people can be able to see the 'inside from the outside', that is, understand the plight of the squatters from this perspective.

This theoretical framework concentrates on the subaltern theory which explains that the history of the marginalized communities has not been put in the light, the reason why their sufferings has not been addressed by the big men. Although the theory does not refute the histories of the privileged, it does encourage the blending of the two: History of the bourgeoisies and the subaltern so that all people receive equal attention as concerns resources in a particular area.

CONCLUSION

The Kenyan state was more involved with the settlements of the post-colonial era using loans and grants from the British and West German governments, the World Bank, and the Commonwealth Development Corporation, the Kenya government purchased land occupied by the White settlers with the idea of establishing African settlement schemes. This was done to facilitate a smooth transfer of resources from the White settlers and to satisfy the land hungry Africans. By so doing, the colonial government was trying to ensure that the economy was not disrupted by the abrupt departure of White settlers most of whom were reluctant to remain under African government, and that independence was not delayed. To help the African settlers make maximum use of the land, the government not only gave them operating budgets but also advanced them loans to start them off. The settlers were also advised on how to join marketing co-operative societies that would enable them to receive economies of scale. The operating budgets proved to unrealistic as the settlers -were unable to keep to them because of internal and external factors beyond their control. Moreover, the co-operative societies did not live up to their expected roles. The failure of the societies was a severe to the settlement schemes of the 1960s, because they were not only supposed to do marketing, but also to act as a

social unit where settlers converged to do communal activities.

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