

The Laikipia Land Question: A Bombshell or a Case of Historical Exclusion

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Background

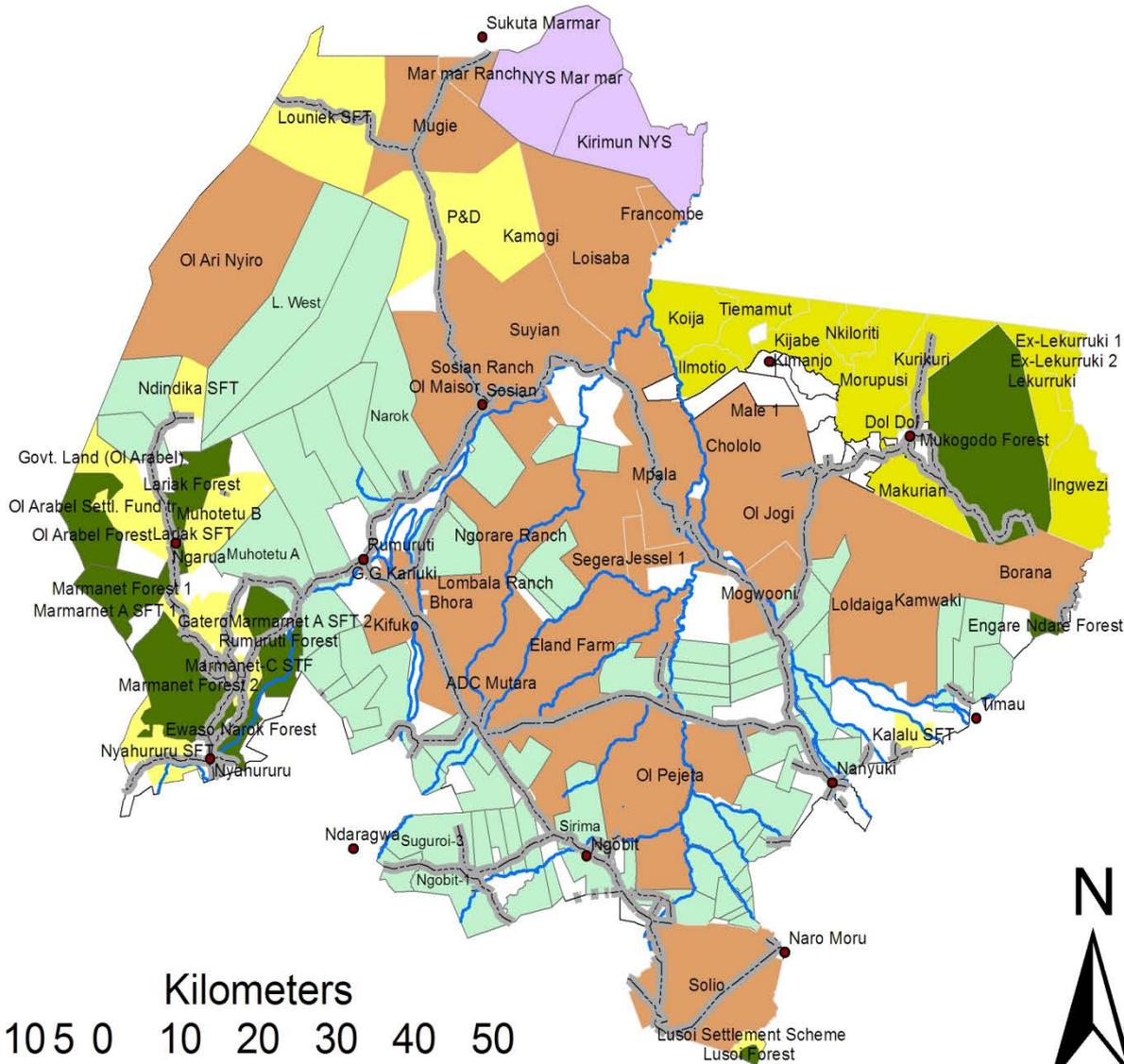
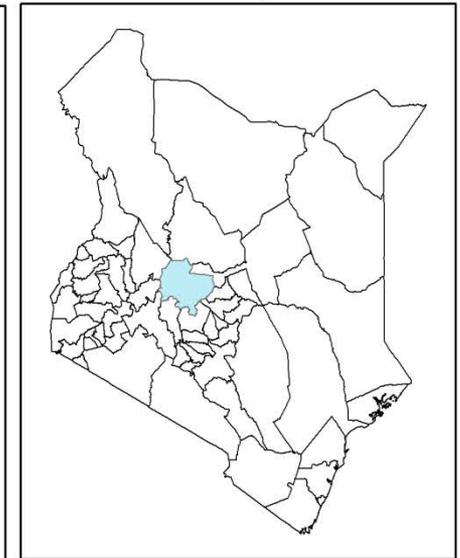
- ❖ This paper focuses on the main types of land and livelihood options in Laikipia
- ❖ The land arrangement in Laikipia from colonial time, post independent Kenya
- ❖ The current Laikipia land situation/crisis
- ❖ The outcomes of changing land ownership and its impact on the different livelihood groups
- ❖ Next steps/conclusion.

The administrative Laikipia County

- ❖ Sub-divided to Four districts
- ❖ - Laikipia East, Central, West & North
- ❖ Total Land Area – 9,694.43 KM²
- ❖ Population – 399,227 (2009 census) approximately over 500,000
- ❖ Livelihoods comprise of :-
 - Commercial ranching – Livestock
 - Tourism(big lodges some with international standards, conservancies, private lodges, tented camps)
 - Large Scale farming (horticulture),
 - Small holder farming,
 - Pastoralism,
 - Trade

Laikipia County Land Use Map

Kenya



Legend

- Centres
- Roads
- Rivers
- NYS Land
- Mukogondo Private Ranches
- Small_Scale_Holders
- Group Ranches
- Large Scale ranches
- Settlement SchemeS
- Forests
- District_Boundary

Kilometers

10 5 0 10 20 30 40 50



What are the different tenure regimes in Laikipia

Type of Tenure Regime	Total land area in Acres	Total in number	Percentage land occupied in the district
Large scale ranches	937,582.65	48	40.3%
Large scale farms	34,471.00	23	1.48%
Group ranches	173,441.26	13	7.45%
Small holder farms	633,069.79	122	27.21%
Disturbed forest reserves	64,739.45	4	2.78%
Intact forest reserves	110,693.02	8	4.75%
Government land(outspans)	153,121.18	36	6.58%
Others	?	?	9.45%

History of changes in land control in Laikipia

Colonial time

- ❖ The process of Laikipia land tenure can be traced to colonial government imposition of the Land Title Ordinance of 1899 under the British's Foreign Jurisdiction Act of 1890
- ❖ Ordinance gave imperial powers for disposal of waste and unoccupied land in the protectorate
- ❖ In 1901 the East African order in council ordinance was enacted that gave powers to the commissioner of the protectorate to dispose of public land

- ❖ The Maasai agreements of 1904 and thereafter 1911 saw the Maasai lose the whole of the Laikipia plateau that was changed to dairy farming and beef ranching
- ❖ These agreements left the Laikipia Maasai who feared following the rest of the Maasai due to hostility living in a small portion of the Laikipia plateau up in the North- the most dry
- ❖ An amendment to the Crown Land Ordinance of 1915 introduced the 999- year lease and redefined crown lands to include land that is occupied by native Kenyans.

- ❖ In 1920 the declaration of a colony over Kenya led to the appointment of a Land Tenure Commission to look into the freehold issue
- ❖ In 1930 the colonial officials made their first attempt to control the movement of maasai in Laikipia plateau
- ❖ In 1934 a native reserve was demarcated on the northern edge to cater for the maasai
- ❖ This was followed by the Native Trust Land Ordinance of 1938 that created the Mukogodo Reserve – 1,100 square kilometers including 280 square kilometers of Mukogodo forest reserve.

Independent Kenya

- ❖ The Maasai land in Laikipia never reverted to them and instead remained with white owned commercial ranchers most of British origin
- ❖ The remaining lands were taken over by the state. President Kenyatta took steps to settle landless people from Central province under the British and World Bank sponsored Settlement Transfer Fund Scheme.
- ❖ Most people did not settle in these lands and only used title deeds as collateral for accessing bank loans

- ❖ Senior civil servants and politicians took advantage to acquire land in Laikipia
- ❖ Pastoralist were later settled in 13 group ranches in the area that was demarcated in 1934 under the World Bank Livestock Development and Rangeland Management Project
- ❖ The pastoralist still lost part of the Mukogodo reserve as local elites excised part of the land as individual ranches (36).

Key observations from the different tenure arrangements



Large scale farms

- ❖ Many are consolidated and fenced as one unit each but data from the local government indicate they are internally subdivided into small units of 3000 – 4000 acres
- ❖ Reason for this is that some are owned by more than one individual or are subdivided to avoid taxation –land rates
- ❖ Most of the subdivisions have been made through private arrangement and there is no data at the land office to show how this was done
- ❖ A lot of the subdivisions are said to involve people from the North who want to own land in Laikipia
- ❖ Many of the small units have large palatial private residences or guest houses attracting foreign tourists and income
- ❖ Many of the large scale farms have an integrated economic system i.e. tourism, livestock, wildlife conservation, horticulture

Group ranches

- ❖ Occupied by Pastoralists and are located in the drier North of Laikipia
- ❖ Are still intact and not subdivided
- ❖ Increase in population pressure and many pastoralists are moving to settle as squatters in absentee lands or are purchasing plots of 2 to 3 acres.





Small holder farms

- ❖ Have been parcelled into small holdings and are occupied by farmers from former central province
- ❖ They have absentee land cases and are occupied by pastoralists as squatters
- ❖ These lands are being consolidated and sold to individuals or companies. i.e. Ireri, Endana
- ❖ They are a current source of conflict between farmers, pastoralists and buyers.

Disturbed forest reserves

- ❖ Farmers were settled in them during the Moi era
- ❖ Forest cover have been plundered for cultivation and commercial timber sales
- ❖ Tag of war between Kibaki administration and farmers over eviction threats

Intact forest reserves

- ❖ Majority occupied by pastoralists and conservation groups i.e. Ngarendare forest occupied by local people and Lewa wildlife conservancy
- ❖ Big tag of war between pastoralist, conservation groups and government over management
- ❖ Potential source of income – non logging consumptive use

Government land (outspans)

- ❖ Of the 36 outspans only 4 have not been grabbed/allocated to individuals
- ❖ Most of grabbing involves collusion between government officials politicians and powerful business people

Who owns land in Laikipia?

- ❖ Big commercial ranchers; most of them are a generation of the colonial ancestry or immigrants seeking to be residents in Kenya
- ❖ Politician – all 3 Kenyan presidents are beneficiaries of land in laikipia, MPs
- ❖ Government official; Army officers, civil servants
- ❖ Pastoralist elites.
- ❖ Of late foreign investors i.e. Horticulture farms, tourist investments
- ❖ Pastoralists own group ranches but are also purchasing small holder farms and als living as squatters in some of these farms
- ❖ Farmers who do peasant farming

Examples of land that has changed hands recently

Large scale ranches		
Ranch	Acreage	Comments
Kimokandora Ranch	7,142.86	Formerly owned by Mugambi and sold to white Zimbabweans who visit it over weekends
Loisaba Ranch	62,092.97	Formerly owned by an Italian now by an American but leased to Wilderness Guardian Company
Mugie Limited	43,985.95	Formerly owned by Kenya's first African chief justice (Kitili Mwendwa) but have changed hands 3 times since 1980
Ol Jogi Limited	54,048.65	Changed hands twice since 1980 and divided into 10 pieces currently owned by a French American who bought from an Italian
Ole Naisho	29,005.08	Formely Kamwaki 1963 owned by a Dane, sold to the Delamere family; divided to 2 pieces
Ol Pejeta Ranching CO	88,923.79	Changed hands six times since 1963. Owners included Lord Delamere, Onassis, later Adnan Kashoggi, Tiny Rowland's Lonrho, Daniel Arap Moi then BCP. Divided to 9 pieces
Samburu Limited	24,000	Formely of Munene Kairo (Mwai Kibaki's trusted aide) and now Offbeat Safaris
Segera Ranch	21,442	Formely owned by Philip Valentine and now owner is an American (Puma Company). Divided into 4 pieces

The recent Laikipia Crisis

- ❖ The Laikipia Land crisis began in May 2000 when pastoralist drove their livestock to Oldaiga and Ole Naisho farm which had plenty of pasture while group ranches and small holder farms were bare and degraded lands.
- ❖ Government move in and allowed pastoralists into Mt Kenya and Aberdares
- ❖ The provided subsidies interms of drugs. The ranchers equally supported the process by allowing some animals into the ranches

- ❖ The 2004 land lease agreements.
- ❖ Pastoralists agitating for non-renewal of leases and they moved to occupy land within the commercial ranches
- ❖ Government intervened and move pastoralists out of the ranches using a lot of force and arrests
- ❖ The land leases remain unresolved to date nor is the government willing to enter into dialogue on the same

- ❖ The Laikipia crisis has become more frequent since 2009.
- ❖ The crisis have been contributed by a combination of factors among them the following

Climate change and increasing frequency of drought

- ❖ Laikipia receives moderate rainfall compared to its Neighbours (Isiolo, Samburu and Baringo) thus has pasture and water most of time
- ❖ Huge influx of livestock to Laikipia
- ❖ This has led to conflict between farmers and pastoralist as they graze their animals on crops and on to commercial ranches
- ❖ Climate change can lead to and exacerbate conflicts depending on the length of drought

Population Pressure – Human and Livestock

- ❖ This is common at the group ranches where human and livestock pressure is forcing pastoralists to look for alternative land for settlement and grazing.
- ❖ The carrying capacity of group ranches is stretched beyond limit while there is plenty in the neighbouring commercial ranches
- ❖ Huge migration to Laikipia from neighbouring counties putting pressure on resources
- ❖ Small holder farms are also finding their way to Laikipia

Proliferation of arms

- ❖ Pastoralist from neighbouring counties are armed with sophisticated weapons.
- ❖ They graze their animals on farms and commercial ranches sometime using force.
- ❖ These arms have been used to occupy commercial ranches, conservancies, peasant farms and forests by force.
- ❖ The resident pastoral population in Laikipia have also acquired weapons both to defend their animals as well as using them to access other lands

Political interference from leaders

- ❖ Since 2009, pastoralist from neighbouring counties were urged to move to Laikipia so that they can vote in politicians who will protect them.
- ❖ People were also told the current commercial ranches leases are expiring so land will be available in Laikipia
- ❖ The politicians have always made sure people arrested by the security are released unconditionally
- ❖ There are claims that they have even assisted them secure arms

Senior government officials and politicians

- ❖ Most of the livestock that were grazing in Laikipia belonged to senior civil servants and politicians
 - Governors, MPs, Principle Secretaries and Senior Military Officers
- ❖ They exerted a lot of pressure on government not to act on pastoralists grazing in the ranches and farms.
- ❖ Many of their herders are armed thus complicating the situation.

Consolidation of small holder farms and fencing off

- ❖ There is a big rush to purchase land in Laikipia and fencing off i.e. Ireri, Kimugandura, Chumvi, Ethi etc
- ❖ Many of these farms are being sold by brokers who are looking for quick money.
- ❖ This reduced land available for pastoralist to graze their animals thus turning to commercial ranches and agricultural farms.

Failure by government to address historical land injustices

- ❖ The government has shied of from addressing historical land injustices which is broadly visible in Laikipia.
- ❖ Land reforms have failed to confront the material consequences of unequal access.
- ❖ In essence land reforms has been land law reform
- ❖ Policy makers rarely discuss justice in the context of land
- ❖ Land laws have failed to critically address land reforms in a holistic manner

Poor relations between different land user groups

- ❖ Between the commercial farmers, pastoralist and peasant farmers – each is working as an isolated entity.
- ❖ There is a lot of suspicion among the different land user group most of them are working as isolated entities
- ❖ Few of the commercial ranchers who have embraced their neighbours are not experiencing major challenges i.e. Lewa, Borana

Impact of land conflicts on the different groups.

- ❖ An increase in land pressure due to limited access leading to increase in levels of vulnerability – farmers & pastoralists
- ❖ increase in land use conflicts
- ❖ Inability to cope among pastoralists and farmers in case of normal rainfall failure – reduced mobility
- ❖ over exploitation of natural resources in some areas and conservation in others
- ❖ consolidation of land Vs loss of land
- ❖ pastoralist and farmers seeking alternative options i.e. Moving to mt Kenya forest, intensive Irrigation, trade
- ❖ building of alliance between different user groups i.e. Joint conservation groups, user associations etc

With the crisis what next?

- ❖ it remain to be seen what trajectory the land question in Laikipia will take in future given the above issues
- ❖ Its clear that pastoralist have been given a row deal from colonial to present day government. What does this potent in terms of future?
- ❖ Will the big commercial ranches continue thriving in the middle of poor farmers and pastoralists seeking to support their livelihoods?
- ❖ Failure by government to comprehensive discuss historical injustice will lead to a recurrence of such scenario in future.
- ❖ The current land situation is a potential source of conflicts between the different groups i.e. There are already six cases in court related to land deals/control.
- ❖ During the recent crisis people lost lives and property. People are still bitter and there are no efforts to reconcile them. What does the future hold in case of an other drought?
- ❖ Consolidation of small holder farms under absentee land lords but occupied by pastoralist is leading to conflicts, land degradation and increase in vulnerability i.e. Cases of clashes between security forces and pastoralists.
- ❖ What will bring a lasting solution to the Laikipia land case?



THANK YOU