

Independence and after

right Iltilal school choir singing at a fund-raising *harambee* in Kajiado District



Measured against most of its neighbours — Somalia, Ethiopia, Sudan, Uganda, Congo, Rwanda — Kenya has enjoyed stability and relative peace since Independence. Elections have been held regularly, and there has never been a military government. Jomo Kenyatta, the first Kenyan President, died in his bed in 1978 and was succeeded peacefully and constitutionally by his Vice-President, Daniel arap Moi, who has been in power ever since. Despite conflict and realignments within the ruling Kenya African National Union (KANU), the centre has held firm. The benefits of such stability should not be underestimated: most signally they include the roads, schools, and water-supply systems which were built during the first two decades after Independence.

Until the 1990s, Kenya was regarded very positively by the West. Its relative stability in an unstable region, its pro-Western policies, its acceptance of Western military bases, its land-reform programme — hailed as a model by the World Bank — and the experiences of literally

millions of foreign tourists on its beaches and in its game parks have all contributed to this. But recent years have seen a gradual change, and this image has become increasingly tarnished. How has this happened?

A fragmented nation

One damaging legacy of colonialism in Kenya is the fragmented nature of civil society. During the Mau Mau years, in order to isolate the Kikuyu, the British administration refused to allow political parties to operate at a national level. So parties were formed locally, and mobilised their support locally. The prohibition helped to shape a political system which is fragmented along ethnic fault lines. The opposition to KANU, the ruling party, is fatally divided, and KANU's grip on power seems to be unassailable.

The rise and rise of KANU

Formed in 1960 by Tom Mboya, Oginga Odinga, and James Gichuru, KANU drew its main support from the Kikuyu and Luo. The

Kenya African Democratic Union (KADU), established a few months later under Ronald Ngala, was supported mostly by the coastal peoples, the pastoral Maasai and Kalenjin, and some settlers. One of its leaders was Daniel arap Moi, a member of the Kalenjin group. While KANU pushed for a strong central government, KADU, fearing domination by the more numerous Kikuyu and Luo, favoured a federal structure with powers devolved to the regions. This set the pattern for the politics of Kenya until today.

After losing the elections of 1961 and 1963, KADU dissolved itself, and most of its members, including Moi, joined KANU. In 1966 Oginga Odinga, formerly Vice-President, created the Kenya Socialist People's Union. This was banned in 1969 following killings in the wake of Tom Mboya's assassination. Kenya then became a *de facto* one-party State.

The arguments in favour of a one-party system stressed the need for stability and nation-building. The main argument against it was that any expression of dissent, by trade unions or students or women's groups, for example, was seen as treachery. In the 1990s, supporters of constitutional reform argued that the time had come for Kenya to move into a more mature phase, in which those in power should no longer criminalise political debate.

Multi-partyism

Following the demise of the Soviet Union, Kenya's strong anti-communist stance was no longer a guarantee of favours from Western donors. In November 1991, they suspended aid to Kenya until President Moi lifted the ban on opposition parties. This he promptly did. Of the parties which subsequently emerged, the strongest threat seemed to be presented by FORD, the Forum for the Restoration of Democracy, which brought together leading Luo and Kikuyu politicians, including the veteran Odinga. FORD attracted some grassroots support, but in August 1992 it split between the Luo Odinga, who formed FORD-Kenya, and the Kikuyu Kenneth Matiba, who formed FORD-Asili. The Kikuyu vote was further split by the rivalry between Matiba and Mwai Kibaki, who had established the Democratic Party.

Taking advantage of these splits, and in a context of increasing ethnic violence, Moi called a

snap election. KANU won 112 of the 200 seats in the National Assembly, with only 35 per cent of the vote, and Moi was returned as President.

Had the Opposition leaders been able to sublimate their individual lust for power, to put the country's interests first and unite behind a single candidate, the result would perhaps have been different.

Divide and rule: the politics of ethnicity

The politicisation of ethnicity has a long history in Kenya. During the period of British rule, under the patronage of the colonial authorities, indigenous political activity was restricted to local rather than national interests. Consequently, social and political organisation was characterised in ethnic terms. Competition for the benefits of control has become a feature of modern political life in Kenya. This has served to consolidate the interests of some groups over others. Many observers have expressed concern that some areas appear to receive more public investment than others, and that this has encouraged unbalanced development in different areas of Kenya. In some instances, it has led to violent evictions of communities from ethnically defined areas. The short-term result of such action may serve to consolidate the interests of one political party or another. In the longer term, the more serious consequences include civil strife, instability, and bitterness, the consequences of which will do lasting damage to the fabric of Kenyan society.

The poverty gap becomes a rift

Despite the social and economic progress made after Independence, the rich in Kenya have become steadily richer, while the poor are increasingly impoverished. J. M. Kariuki, a former Mau Mau detainee who was assassinated in 1975, expressed it aptly when he warned: 'We do not want a Kenya of ten millionaires and ten million beggars.' But Kenyatta, through his own accumulation of wealth, encouraged acquisitive tendencies among his entourage. Concentration of economic and political power in the office of the President has continued — and indeed intensified.

Western companies have always been welcomed in Kenya, not least because their presence allowed the local *Wabenzi* (owners of



Mercedes Benz cars) to grow rich on the bribes they could extract for offering 'security'. The *Wabenzi* were also able to use their positions to acquire land, often at ridiculously low prices, for speculation. Corruption, nepotism, and smuggling have come to permeate the whole system of government, the civil service, and the police. Everything has a price, from a major international contract to the *kitu kidogo*, a 'little something', that must be handed over for a driving licence, or to escape police custody for a fictitious motoring offence. Even some of Kenya's banks have been rocked by allegations of corruption, and top government officials and leading politicians have been implicated in the notorious 'Goldenberg scandal', a fraud involving fictitious exports of gold and diamonds, which has cost Kenya's treasury nearly US\$500 million.

In its Poverty Assessment Report (1995), the World Bank estimated that 46 per cent of Kenya's rural population and 30 per cent of the urban population were living below the poverty line in 1992. The poor in Kenya are becoming poorer. The country's resources have become increasingly concentrated in the hands of a few, with 10 per cent of the population holding 48 per cent of the wealth.

There is nothing inevitable about these statistics. Processes at work in society and the economy bring wealth to some, while others are reduced from vulnerability to destitution.



Nairobi: Riverside Park (above) and Mathare Valley (below) — same city, worlds apart

Kenya at the crossroads

Modern Kenya has not been a tolerant society. Before the era of multi-partyism, detention without trial was common. There has been a long, violent history of confrontation between the authorities and students and academics. There is little faith in the judicial system, which is heavily weighted in favour of the rich and powerful. People have no protection against violence by the police. As a result, they often take the law into their own hands, and mob justice ensues.

By 1997, the world could no longer ignore the violence which had become endemic in Kenyan society. Demonstrations by students and others calling for political reform were brutally dispersed by the police; even the sanctuary of the churches was not respected. Televised scenes of armed police crashing into Nairobi's Anglican Cathedral, tear-gassing the congregation and clubbing defenceless clergy, provoked a major political and economic crisis.

Widespread international criticism of political brutality and financial corruption led the International Monetary Fund in an unprecedented move to suspend further aid to Kenya: a package of soft loans worth US\$220 million, negotiated under the Enhanced Structural Adjustment Facility (ESAF), would not be implemented until steps were taken to stamp out corruption and mismanagement. In response, the value of the Kenya shilling fell to an all-time low, new investment all but dried up, and aid from Japan and Germany, Kenya's biggest donors, seemed threatened.

Ethics or ethnicity?

Despite the problems crowding in on him — the loss of international confidence, rampant corruption, crumbling roads and communications, the worst cholera outbreak in a decade — Mr Moi and his party, KANU, won the presidential and legislative elections in December 1997.



In 1992, he had stood against seven candidates. In the 1997 election, he was challenged by 14. The lessons of 1992 had not been heeded. The opposition political parties remained divided and highly antagonistic to each other. They lacked any serious alternative economic and social policies, and were out of touch with people at the grassroots. Most leaders, it was widely believed, simply sought power to exploit it for their own profit.

Kenya is a young nation, and multi-partyism less than a decade old. As more and more Kenyans argue for a new morality in public life, will the next generation of politicians be guided by ethics, rather than ethnicity? One sign of hope is that the emerging middle classes are becoming more outspoken in their

above Leonard on duty in Chiromo, Nairobi: rising crime rates generate jobs in the security industry



demands for political and constitutional reform. Among them is a small group of people, mostly lawyers and church-people, many unattached to any political party. By their persistence they have brought the whole question of civil and political liberties into the public arena, spreading their message through their church-based networks.

President Moi has gone some way to meet the demands of the constitutionalists. Censorship of playwrights and film-makers has ended, and it is now possible to hold a public meeting without an official permit. Press freedom, once greatly circumscribed, is growing. But the reformists want more fundamental change: the rooting out of corruption, a more equitable land-tenure system, and reform of local government.

The scarcity of political alternatives is deeply worrying in a country where ethnicity has become a potentially explosive factor. Local politicians now openly demand that 'their' people should not be governed by 'foreigners' (fellow Kenyans from different tribes), in a manner which would be inconceivable in either Tanzania or Uganda. Responsible Kenyans fear that their country could suffer turbulence similar to that experienced in the Democratic Republic of Congo and other neighbouring states.

Moves towards a formal review of the Kenyan constitution stalled in 1998. A key issue was the membership of the review commission. How would the members be chosen: would they represent various interest groups; would they be mandated delegates; should they represent all the citizens of Kenya, free from ethnic constraints and other pressures; how independent could they, and should they, be?

In July 1999 President Moi, under continued pressure from the donor community – particularly the World Bank – announced a campaign to root out corruption and inefficiency in the civil service. He appointed Richard Leakey, a founder member of Safina, one of the opposition parties, to the post of Secretary to the Cabinet and Head of the Civil Service. The President announced strong political support for this 'clean up' campaign. Only time will tell if it has any effect.



Tea & tourism – coffee & carnations

Kenya's economy has long been dominated by agriculture. It accounts for almost 30 per cent of the nation's Gross Domestic Product and generates about 60 per cent of the country's foreign-exchange earnings. Although 80 per cent of Kenya's land surface is classified as arid or semi-arid, the agricultural sector is strikingly diversified.

Tea overtook coffee as an export earner in 1989, and by the late 1990s Kenya was competing with Sri Lanka to become the largest exporter in the world. Tea now brings in about one-quarter of Kenya's total foreign exchange, and employs more than one million people, directly or indirectly. The leaves are picked by hand, all the year round. One-third of Kenya's high-quality tea is exported to Britain. Coffee is the third-most important hard-currency earner, after tea and tourism, but production is vulnerable to drought and disease. Just behind it comes commercial horticulture, which has enjoyed a spectacular rise, exporting off-season fresh fruits (strawberries, pears, and pineapples), vegetables (avocado and mange-tout), and cut flowers (carnations) to the European market.

Industry and manufacturing make as yet a smaller contribution to the economy, but Kenya has declared its intention to become an industrialised nation by 2020. Tourism is a major source of foreign currency, though numbers of visitors have declined in recent years. Desperate searches for oil have so far yielded nothing, and oil imports consume more than one-third of the value of Kenya's export earnings.

A place in the global economy ...

Independent Kenya adopted a pro-Western stance in the economic sphere as well as the political sphere. Unlike neighbouring Tanzania, it opened its doors wide to Western investors, provided that they had local 'supporters'.



above Margaret Wanjiru picking coffee on the family *shamba* near Murang'a, Central Province

Nationalisation and State ownership were not embraced, despite a certain amount of early rhetoric about African socialism. Over the years the influence of foreign investors and multinational corporations such as Lonrho and Unilever has steadily increased. The UK is the biggest investor in Kenya, with an investment portfolio of more than US\$1.5 billion in a wide range of enterprises. Tax incentives are generous, and repatriation of profits and royalties has gone unchecked. The emphasis has been on growth, rather than distribution. By international standards, Kenya has not incurred a huge debt: its borrowings have been stable at around \$7bn since 1990. (In human terms, however, this means that every Kenyan citizen inherits a debt of some \$3,200 at birth.)

In many ways Kenya was better prepared than other countries for the era of economic structural adjustment which began in the mid-1980s. This entailed a switch from the early policy of import-substitution, under which Kenya aimed to produce its own goods, such as drinks and tobacco, textiles, food, and electrical and paper products; instead, Kenya adopted a policy of liberalisation, which was intended to reduce the direct involvement of the government in the economy, for example by ending price controls on imported goods and dismantling monopoly marketing boards. In reality, competition (on which liberalisation was based) is poorly developed, and attempts to privatise key parastatal organisations have continued to run into fierce opposition from the politically powerful who have vested interests to safeguard.

... and prospects for the regional economy

Recently there have been serious attempts to reactivate the East African Community, established after Independence. It collapsed in 1977 in a welter of mutual recriminations between Kenya, Uganda, and Tanzania. A Tripartite Commission for East Africa was

launched in February 1996 with relatively modest ambitions, seeking initially to improve links in transport, energy, fishing, and cross-border trade. There seem to be good prospects for greater regional economic cooperation, which could extend to include Somalia and Ethiopia. Already, Uganda and Tanzania have overtaken Britain as the largest export markets for Kenyan products.

Kenya's dual economy

Like many countries in Africa, Kenya has a dual economy, marked by a wide gulf between its modern and traditional sectors.

The modern economy is primarily urban and cash-based, and is linked to national and international market systems. It includes people who are engaged in waged employment, and the vast numbers who operate in the 'informal sector' — the unregulated sphere where goods and services are traded on a small scale.

By contrast, the traditional system, which includes over half of Kenya's population, is poorly integrated, if at all, into the modern cash economy. It is designed principally to meet the needs of the household economy and is primarily run by women. People farm the land in order to feed themselves and to sell any surplus crops for cash to pay for essentials like clothing, school fees, and medical expenses. They use family labour and occasionally hire extra help. They carry on sowing, planting, harvesting, and herding year after year. Access to land is absolutely crucial to their survival.

This system exists quite separately from the modern one. Though men working in towns do send money back to their families in rural areas, they tend to do so only in emergencies. They also tend, over time, to establish new families in the towns, so that increasingly households in rural areas are headed by women. The modern economy is not central to the survival of rural households, and debates about economic development policy are scarcely relevant to the daily lives of those who toil in the traditional sector.

Kenya's Gross Domestic Product

Agriculture: 30 per cent

Tourism: 19 per cent

Manufacturing: 10 per cent

Livestock production: 10 per cent

Annual total for 1996: US\$9 billion

Value of main exports (1996) in US\$ million

Tea: 397

Coffee: 288

Horticultural products: 239

Petroleum products (re-exports): 123

Cement: 45

Pyrethrum extract: 28

**Exports: to Uganda 16 per cent,
Tanzania 13 per cent, UK 10 per cent,
Germany 8 per cent**

**Imports: from UK 13 per cent, South Africa,
Germany, United Arab Emirates, and USA
7 per cent each**



Smallholders and agribusiness

Most of Kenya's agricultural and cash-crop production is confined to the coastal belt and the Central and Western Highlands, using less than one-fifth of the country's land surface and supporting more than three-quarters of its population.

Away from these areas of higher rainfall, conditions become more and more marginal for agriculture. Farmers may risk growing

maize and succeed in a good year, but the indigenous African dryland cereals, sorghum and millet, are more reliable, supplemented by cow peas and pigeon peas.

The surrounding grasslands and bushlands, where rainfall is too low to sustain regular cultivation, are home to the pastoralist peoples who depend for their livelihood on cows, sheep, goats, and camels.

The Central Highlands

The road north from Nairobi reveals a cross-section of the contrasting uses of Kenya's fertile highlands. It descends gently through Thika, past thousands of hectares of Del Monte pineapples and huge, privately owned coffee and sisal estates. Passing through Murang'a, formerly the frontier garrison of Fort Hall, the road rises quickly through a patchwork of crops and ferny *Grevillea* trees. The terraced red earth seems permanently clothed with beans and maize, bananas and coffee bushes, sweet potatoes and 'Irish' potatoes, and Napier grass grown as fodder for stall-fed cows. On some of the shambas coffee has become conspicuous by its absence, the effect of falling world prices after 1988. Farmers have to remove the bushes surreptitiously, for the law forbids it.

As the land continues to rise, tea takes over as the preferred cash-crop, thriving in the moist, acidic soils above 1,600m. Whole hillsides are given over to the neat privet-like hedges. Tea farmers seem happy enough with their crop, selling it to buy vegetables from their neighbours and maize meal from the local trading centre. By the late 1990s, smallholders were growing well over half of Kenya's tea.

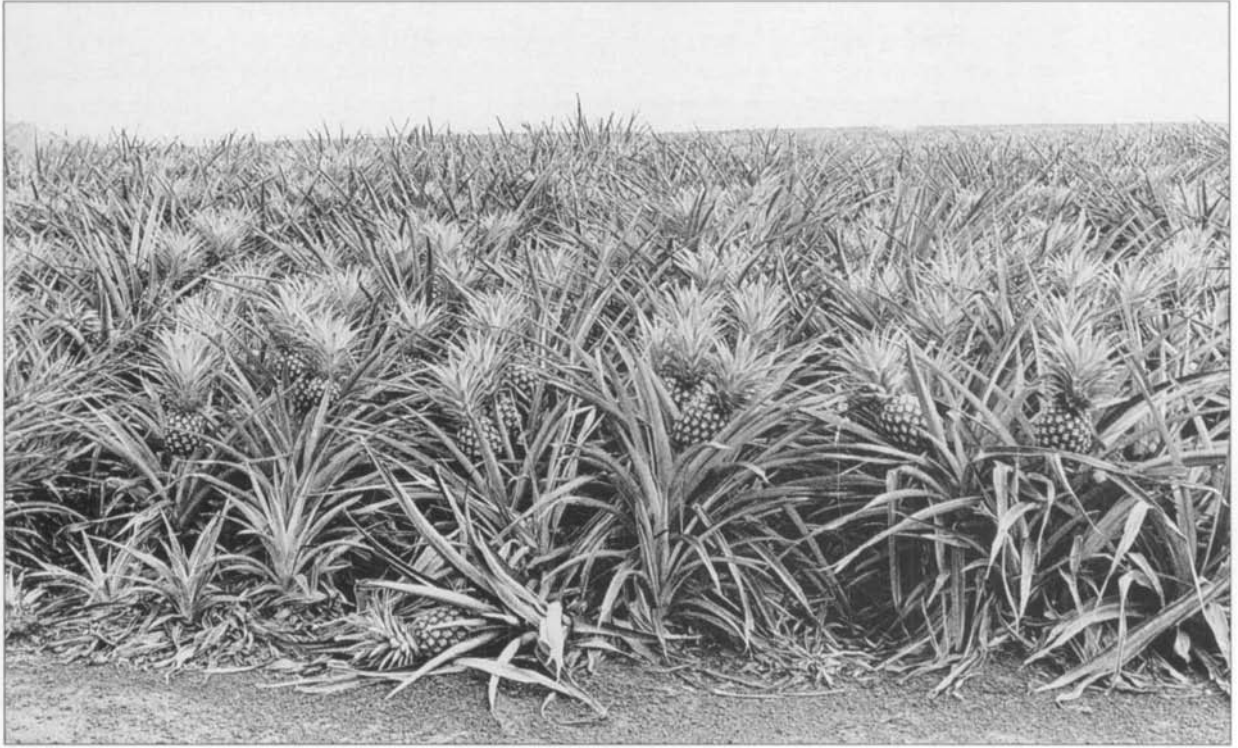
Two generations ago, Mau Mau resistance fighters hid in thick bush among these hills. Now, from valley to valley, every inch is in use. Beans and sweet potatoes reach out across the drainage gullies lining the earth roads,

right Murang'a District, Central Province: Peter Thuo and his mother, Margaret Wanchiro, collecting fodder for their stall-fed cow



below Gaudencia and Anthony Obon'go picking kale on their organic smallholding in Koguta, Kisumu District, Nyanza Province. Organic farming is labour-intensive but highly productive, and requires no costly inputs.





threatening to reclaim them from the lorries that wind their way up to collect the tea and coffee harvests.

The smallholder revolution

In the early days of self-government, when the energies of Kenya's smallholder farmers were unleashed, the country enjoyed remarkable economic growth. The Million Acre Scheme of the early 1960s settled 34,000 families on prime farmland previously set aside for Europeans. A further 100,000 hectares were redistributed between 1971 and 1976.

Under British rule, Africans had been forbidden or discouraged from growing coffee, tea, and pyrethrum, which were the settlers' crops, grown on large estates. But by the early 1980s, smallholders were producing over 60 per cent of Kenya's coffee and almost 40 per cent of its tea. More importantly, they were producing most of the country's staple food, maize, which supplies almost half of the nation's calories and more than one-third of its protein. Though often bought and eaten roasted on the cob at the roadside, most is ground to flour — *posho* — and boiled in

water to make *ugali*, a solid porridge eaten with the fingers, or *uji*, a thinner gruel.

Kenya has been more or less self-sufficient in food for more than 30 years, and today Kenya's three million smallholdings account for over 70 per cent of agricultural production and over 85 per cent of agricultural employment, on less than half of the cultivable land.

Agribusiness — from horizon to horizon

Despite the programme of land-redistribution, many large farms, ranches, and plantations remained under European control after Independence. Others were bought by the Kenyan political and business elite. Though reliable figures are not available, it seems that more than one-third of the best agricultural land is still owned by fewer than 1,000 families and companies.

Some of these enterprises provide products which are household names in the UK, Kenya's biggest export market for foods and beverages. Brooke Bond, owned by Unilever, manages tea estates that roll from horizon to horizon around the town of Kericho.

above
Del Monte pineapple
plantation near Thika,
Central Province

Del Monte tend an extensive pineapple monoculture, most of it for canning or juicing. Kenya boasts the world's most extensive carnation farm, and in 1996 overtook Israel to become the leading supplier of cut flowers to the Dutch auctions.

But big is often not beautiful in African agriculture. Most of Kenya's large holdings grow maize and wheat, or graze cattle for beef and dairy products. These are highly mechanised farms which employ little labour — Kenya's most abundant commodity. Studies have shown that mechanised maize farms require 11 days of unskilled labour per hectare per year, while the comparable figure for a smallholding is over 30 days. In dairy production the contrast is even greater: no unskilled labour is used on the large open-grazed farms in Nakuru, while a smallholding is reckoned to require 35 days per hectare per year.

Yet the large farms are not cost-efficient. A World Bank assessment in 1994 concluded that 'the efficiency of many large-scale operations is low: wheat farms and open-grazing dairying operations in particular are very inefficient ... and are highly protected by subsidised credit and import tax advantages'. Tax exemptions highlight the favoured treatment of the large-scale farmer. Tractors, combine harvesters, and mechanised ploughing equipment are exempt from import duties and VAT; whereas spades, hoes, wheelbarrows, handcarts, and manual or animal-drawn ploughs have attracted import duties as high as 70 per cent, as well as VAT at between 5 and 18 per cent.

There is some evidence that large holdings are gradually being divided and reduced in size. An equalisation of taxes and benefits might accelerate this change and increase agricultural production and employment. But the powerful interests vested in land-ownership are unlikely to yield easily to demands for further redistribution of land to small-scale farmers.

The limits to growth

It was pressure on the land that arrested the rapid growth of Kenyan agriculture in the 1980s and 1990s, when the annual increase in output slowed from almost five per cent

to under one per cent per year, well below the growth in population. Most worrying are recent falls in maize production, which have undermined Kenya's self-sufficiency in food.

As land has been sub-divided within families, plots have become smaller. More than half of all smallholdings measure less than one hectare. Increasing numbers of farmers have moved on to drier lands previously used for grazing, while the poorest rural dwellers, with little or no land, depend on wage labour. Many have moved to the towns, with no option but to join the growing numbers of squatters living in shanties and slums.

A success story from Machakos

Dry-land farming can be made sustainable, and the proof is to be found in the semi-arid, drought-prone Machakos District, just south of Nairobi. It is one of the most remarkable agricultural success stories in the whole of Africa: long-term studies have shown that, in an area regarded by the British as eroded, degraded, and overpopulated, local people have adapted dynamically to harsh conditions and population growth, and the condition of the natural environment has recovered almost entirely.

The Kamba people who live in Machakos traditionally depended more on livestock than on agriculture. With the creation of the Ukamba Reserve in 1906, they were hemmed in by settler ranches and Crown Lands, which increased the pressure on their grazing lands. By the 1930s, Machakos was reported to be 'a parching desert of rocks, stones, and sand'.

Today the density of population in Machakos is three times what it was in 1930, yet erosion of the soil is negligible. The hillsides bear witness to the transformation: thousands of kilometres of neatly tiered terraces have restored the soils and increased the potential for cultivation. The terraces are created by throwing soil up-hill to form a bank, which can reach 2 metres in height. Much of this arduous work has been carried out by self-help groups. Organised mainly by women, they were built on Kamba traditions of *mwethya* and *mwilaso*, in which friends, neighbours, and relatives come together to work on each other's farms.

A quarter of the land is now under crops, compared with just one-tenth in 1930. Maize and beans predominate, but coffee and vegetables are also important cash-earners, and exotic fruit trees thrive. Cattle numbers are much as they were in the past, with an increasing proportion of cross-bred cattle which are stall-fed on crop residues and fodder crops. Known to Kenyans as 'grade' cows, they produce much more milk than the zebu cattle which are so well adapted for survival on dry rangelands. Their manure serves as a fertiliser for the crop land.

Since 1930 the value of output per person in the Machakos District has increased threefold, while output per hectare has increased tenfold. This success challenges much received wisdom about African agriculture.

The coast

Hot and humid, with rainfall throughout most of the year, the coast feels and looks quite different from the rest of Kenya. Its farmers and fishers are Mijikenda — Bantu peoples with a mix of Arab ancestry. Most numerous among the Mijikenda are the Digo and Giriama.

The landscape is distinguished by its elegant stands of coconut palm, which seem everywhere to be at the heart of the rural economy. The leaves are used as *makouti*, the coast's roofing thatch, and for making large baskets often used for carrying the mango crop. Copra, the white fleshy interior of the nut, provides oil for cooking and soap-making. Mats, rope, and upholstery filling are made from coir — the fibres filling the outer husks of the coconut. Combs, buttons, and cups can be made from the shell itself, though the production of souvenir novelties for the tourist trade has become a more profitable business. But the tree's most important product is palm wine, a speciality of the Giriama people, which is traded along the length of the coast. Mangoes, oranges, and cashews are also grown as cash crops, and maize, rice, and tropical vegetables for food.



above Adabu Simon and Rukia harvesting maize on the coast

Pastoralism or 'progress'?

More than half of Kenya is classified as arid land, receiving less than 400mm of rainfall in an average year. Here livelihoods depend mainly on livestock, and the key to survival is mobility. Herders and their cattle, sheep, goats, and camels follow the rains and the best grazing through the seasons, their way of life adapted to the ecology of the dry lowland plains. Milk is the staple food.

In and around the Rift Valley live the pastoralist peoples of the Maasai, Samburu, Pokot, and Turkana; in the north and east live the Somali, Booran, Gabra, and Rendille. The relationship between people, animals, and land has evolved over thousands of years, since the first domesticated stock reached Lake Turkana before 2000 BC.

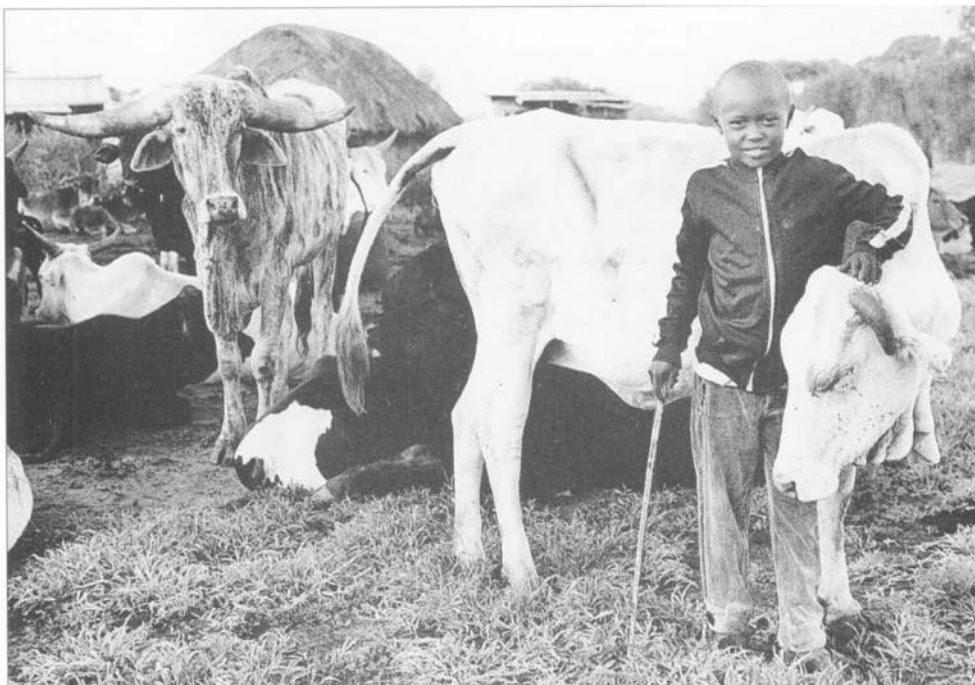
A five-year-old Maasai boy can identify a dozen species of acacia bush that all look much the same to the visitor, and can explain their

different uses. He may be trusted to tend goats close to the homestead, and will play with small stones which are his 'cattle', taking them out to graze and bringing them back to the safety of their *boma* in the evening. His way of life has been moulded to exploit an unpredictable environment to the full.

The myth of overgrazing

In Maa — the Maasai language — you cannot say, 'I own this land' — only 'I use this land'. For thousands of years the rangelands belonged to no one — or to everyone. But farming societies based on private tenure of land have always viewed communal land-ownership with prejudice. Because livestock are owned by individuals, and grazed on communal land, it was assumed that overgrazing and degradation of vegetation would be the inevitable result. It was assumed that

right Simon tending cattle outside his homestead at Ittilal, Kajiado District, Rift Valley Province





left Goats at Kutulo borehole, Wajir: the first drink for seven days

individuals competing for grazing resources would have no short-term incentive to conserve them.

This reasoning, known as ‘the tragedy of the commons’, has more recently been rejected by researchers working in Africa’s arid lands. They argue that in the unstable dryland environment, where rainfall is unpredictable, both from year to year and in its geographical distribution each year, herds have to keep moving in search of food and water. Inevitably there are years in which drought affects an entire region and plant growth is prevented. At these times, animals will die or be sold, usually at very low prices. The most skilful herders will survive the drought; the less skilful may be reduced to destitution.

When good rains return, the drought-hardy plant-life recovers quickly, and is likely to remain undergrazed until livestock levels recover. The variability in rainfall limits the numbers of animals. Pastoralist economies are adapted to exploit this variability. Herders diversify their stock-holdings, with a combination of small stock and camels, or small stock and cattle, to reduce risks, for each species has different requirements. Camels browse taller trees and shrubs; goats browse lower ones; and cattle and sheep graze on grasses. Camels prefer, and benefit from, a more brackish water than cattle and small stock.



left Khorof Harar borehole, Wajir District: burden camels waiting to be loaded with water. Plastic jerry-cans are used alongside traditional containers

Access to grazing land is not a free-for-all in pastoral communities. It is usually managed by agreement among elders. But traditional range-management strategies fall apart if access to land and resources is restricted. It is this that can result in degradation.

Traditional herding strategies

In general, a livestock-owner will try to maintain a large herd as an insurance against drought years, when animals will die or have to be sold to buy maize. A large herd can be split, with some stock loaned to relatives, to reduce the risk of wholesale loss to disease or drought.

Grazing patterns depend on the season and its rainfall, the immediate needs of the animals, the stock movements of other herders, the presence of ticks and biting flies, security from raiding, and the proximity of water. These changing factors must be constantly re-assessed. When conditions are good, the herder strives for rapid weight-gain and high milk-yields.

During the early dry season, small stock and camels look for remaining green forage and need little or no water. Cattle graze drier pastures. As the dry season progresses, access to water sources becomes more critical, and animals may move much farther from their home range. Camels range farthest afield, within a grazing radius of about 18km from camp; cattle usually stay within 12km, and goats within 8km. Cattle need water every one or two days in a normal dry season, goats and sheep every three days, and camels every seven.

The strategy during a widespread drought is to move stock long distances, often into areas with grazing but far from water sources. For camels this may be 50km, for cattle 30km, and for goats 20km. Stock losses will rise as weaker animals succumb to the two-day journey to water.

Traditionally a destitute family would follow and camp alongside families with herds. After milking, the families with stock would have a whip-round to collect milk for the family without stock. The impoverished herders would take animals on loan when they could, and their neighbours would encourage them to get back on to the ranges with their own herd.

Pastoralist land-use strategies have developed over thousands of years as a means of survival in hostile, unpredictable environments. Foreign donors, national governments, and aid agencies have usually failed to understand the dynamics of indigenous rangeland-management and have tried to alter rather than support traditional practice. The experience of the pastoralists themselves was often ignored.

On the margins of survival: the Maasai

The Maasai are probably the best-known of Kenya's pastoralists. For centuries they dominated the Central Rift Valley of present-day Kenya and Tanzania, inspiring fear in their

neighbours and fascination and respect in early European travellers. Their courage and proud bearing became legendary. Cattle were their life-blood, and agriculture was disdained.

The critical period for the survival of cattle is the rainless months of July to October, when traditionally the Maasai fall back on *dokoya enkishu*, dry-season reserves left ungrazed during the last rains. These reserves are usually upland areas with reliable vegetation. The Maasai do not hunt for food, except in periods of desperate shortage; though in the past the *moran*, or warriors, might hunt a lion or a buffalo, animals which would turn to face the enemy rather than run away.

To colonial administrators and the independent State that succeeded them in Kenya, the Maasai and other pastoralist peoples were deemed an obstacle to progress. A family on the move cannot be easily taxed, educated, or brought into the market economy. For the country's first colonial governor, Sir Charles Eliot, 'the only hope for the Maasai is that under intelligent guidance they may gradually settle down and adopt a certain measure of civilisation'.

The British showed little concern for Maasai rights. Much of the unfenced land that they grazed was taken for white-settler ranching through 'treaties' between the authorities and the chiefs whom they installed. By 1914 the Kenyan Maasai were confined to less than 20 per cent of their former lands, reserves corresponding to today's Narok, Kajiado, and Samburu Districts.

Pastoralism with a frontier

Amazingly, the Maasai way of life withstood these pressures. But in the last half-century even the remaining Maasai uplands have been taken over for agriculture and wildlife tourism, confining the herders to the poorer margins of their land. Dry-season reserves, perennial water-points, and salt-licks have been lost, with devastating consequences.

With grants from the World Bank, the Kenyan authorities have encouraged privatisation of the remaining Maasai land. As a result, wheat farms, ranches, and irrigated flower farms are displacing the Maasai homesteads and their zebu cattle, leaving the former herders to scrape a living as watchmen and labourers in Nairobi.

The Maasai who remain have no choice but to adapt. Some are beginning to cultivate any remaining lands which will support crops, to safeguard their rights of ownership. At Kimana, in Kajiado District, community leaders have established their own wildlife park with support from the tour company Kuoni; but even if the Maasai do stay on their diminished lands, life must change. Cattle can be only part of a more diverse and more sedentary economy.

Pastoralist life in the north

The arid northern areas of Kenya, home to the Turkana, Rendille, Somali, Booran, and Gabra people, are less attractive than the Rift Valley region to commercial farmers and the tourism business, because the rains are so poor. Here the main enemy of pastoralists is drought.

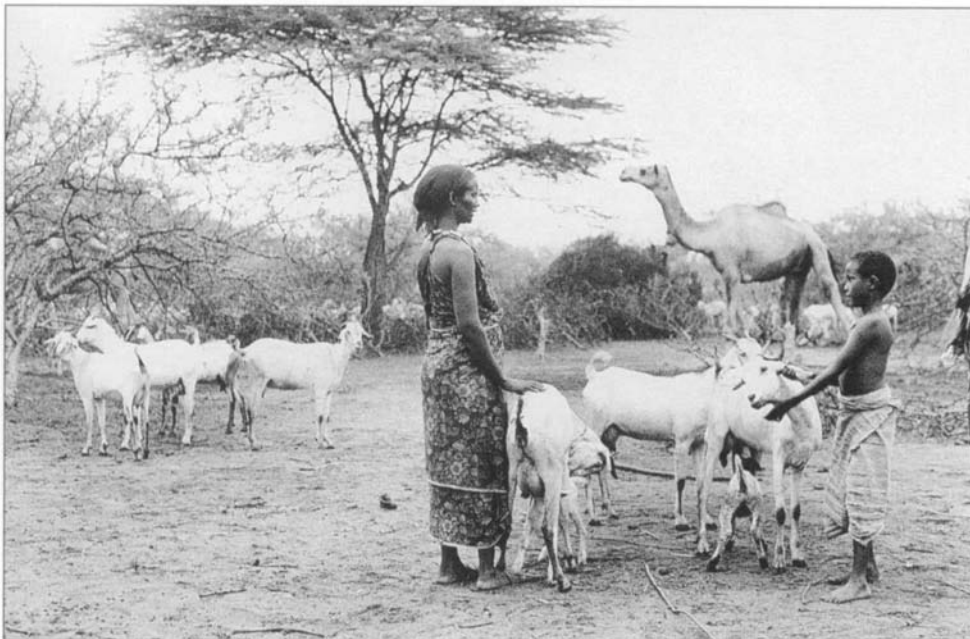
Nuria Hujaale is a Somali woman living in Wajir District who lost all her animals in the drought of 1984. She was given 30 goats to help her back on her feet. She recalls, 'As soon as the goats arrived from Oxfam, it began to rain. It was like a blessing. Twenty-six produced young within the year, and by 1991 we had over 250. We were able to help other families with milk loans. We sold male and older female goats to buy clothes and food. We were doing quite well, so we began to exchange some for

cows and camels: eight goats for a cow and twelve for a good young burden camel. We would not have survived the drought of 1992 if we had not been able to sell goats to buy food.'

Nuria's family shares a homestead with five others. It is surrounded by a protective fence of cut thorn. Each family occupies one or two *herios*, domed homes made from arched branches, neatly covered with mats of grass or palm. The door of each *herio* faces towards the thorn enclosure which provides overnight housing for that family's goats. Close by are wigwams of sticks which safely pen the new-born kids.



left In nomadic households it is the job of the women to make up the family's *herio* (home) each time a new homestead is established



left Tarbaj, Wajir District: Nuria and her son allow the kids to take milk before securing their livestock for the night

Cockerels act as bush alarm clocks to call the family to prayer at dawn. After prayer, the day's work begins with milking. Nuria opens the kid pen and goat enclosure, and one by one calls the lactating goats out to their kids. Each goat responds to her name — Ouley, Bariar, Hale, Harire, Gitama, Bagir, Jogbela — emerging from the flock to supply milk to her kid and to Nuria. After drinking a cup of the warm milk, the boys take the goats out to browse, while the girls help their mother to pound grain for the main meal, which is eaten in the evening after the goats have returned to be milked again.

The basis of pastoralist life in this region is communal land-tenure and communal living. Individual family units depend upon each other for their survival. Lending milk animals within the homestead and to the extended family beyond it produces bonds of mutual obligation which insure families against disaster. These traditional relationships are reinforced by the Islamic moral code, which encourages the redistribution of wealth.



Kenny Matampash

Kenny Matampash lives with his family at Oldepe, near Kajiado town. Working with a local voluntary agency, he has encouraged the introduction of hybrid cattle which yield three times the milk of the Maasai zebu. But finding land to graze the cows is becoming increasingly difficult. 'Much of the land is under claim from non-Maasai outsiders: civil servants, army officers, and businessmen. They'll never come to live in this place, but if they can snatch enough, they'll use it to raise bank loans.' Kenny has campaigned to defend Maasai land rights, including the rights of single women, since 1989.

Land and poverty

A communal resource ...

In Kenya, customary patterns of land use and ownership have evolved over time, and they continue to change as Western influences penetrate ever more deeply.

Until colonial times, people did not own land; they had the right to use it, based on their membership of a community. Leaders of communities granted access to land to individuals or families, in return for obligations owed to the group, such as engaging in communal work during the busy harvesting season. An individual's land rights were determined by factors such as sex and age.

In practice, a number of different people had different (and sometimes overlapping) rights to any parcel of land, but none of them had the right to alienate it to anyone else. It was the same in forested areas and pastoralist rangelands: the emphasis was on multiple use by communities, rather than on exclusive ownership by individuals. Land was thus not a commodity in the Western sense. It was held in trust by the living for the benefit of future generations. In the often-quoted words of a Nigerian leader: *Land belongs to a vast family, of which many are dead, few are living, and countless members are still unborn.*

below Ole Mbatiany, a Maasai man in Narok District, surveys fenced-off wheat fields where he used to graze his cows



Besides its importance for cultivating crops or supporting livestock, land had many other roles: as spiritual space or political territory, and as a source of building materials, energy, medicines, and water.

It was little wonder, then, that when the British introduced a land-tenure system based on individual titles under English property law, a great deal of conflict and confusion ensued. Kenya has witnessed more experimentation in land reform than any other country in Africa. It began with the Swynnerton Plan of the 1950s and has continued ever since, with a hugely ambitious and costly programme of land titling and registration, much praised by the World Bank. Despite the many problems which this policy has encountered in the agricultural areas of Kenya, it is now being implemented in the pastoral areas, where the consequences have already proved disastrous for the Maasai.

... or a privately owned commodity?

The colonial administration regarded the customary land-ownership system as wasteful and inefficient. It set about consolidating scattered holdings and preventing the further subdivision of land. The imagined model of the Swynnerton Plan was the property-owning yeoman farmer of England, employing waged labour. The Plan was quite explicitly designed to create a landed class and a landless class. And that is exactly what it achieved. The necessary programme of social engineering could have taken place only in the context of the suppression of Mau Mau, as the Kikuyu were herded into controlled settlements and so-called 'protected villages', which in reality were more like detention camps. By and large, those who became the landed class were those who had remained loyal to the British, while the Mau Mau fighters were rendered landless.

'Telephone farmers' gain ...

A mix of Kenyan smallholders and absentee landowners — dubbed 'telephone farmers' — soon took over most of the former settler farms in the Highlands, with financial help from Britain and the World Bank. Kenya's official

policy for land ownership has been *Individualisation, Registration, and Title* (known as 'IRT'). By providing legal freehold title (based on English law) to individuals, and enshrining such transactions in a register, it was — and is — believed that the 'magic of the market' would come into play, and all the imagined evils and inefficiencies of customary communal tenure would be abolished at a stroke. The reality proved to be very different.

... but poor smallholders lose out

The people who gained land were almost always male heads of households, because it was only they who were recognised in law. People who had previously enjoyed secondary or subordinate rights to land, especially women and children, rapidly lost out and became increasingly vulnerable. The administration of the system proved to be extremely bureaucratic. It was opaque and open to corruption. It was stacked heavily against those who lacked formal education, and especially the poor.

Acquiring title did not automatically make people eligible for credit, as policy makers had fondly hoped. Most smallholders cannot in fact get credit to help them invest in their land. The local registers have not been maintained efficiently, so they fail to reflect the legal reality. As a result, disputes over land show no signs of abating; in fact, they have increased in areas of severe land-shortage like Central Province.

Equally important is the fact that, despite the attempted introduction of English property law, customary norms, values, and practices have shown remarkable resilience, so the social reality is a complex mix of the two, which is subject to continual tensions. Tenure conversions led to conflict precisely because officials underestimated the strength of community and family controls and the reasons for them: that they guaranteed security of access to land and equity in its distribution, and they ensured that land would be passed down through the generations. In densely populated parts of Kenya, subsequent generations challenged registered titles when attempts were made to extinguish their inheritance rights. With attempts to privatise every piece of land,

community grazing grounds disappeared, as did communal sources of wood.

Those who gained most from this process were members of the rural elite and urban businesspeople, who acquired land for speculation or prestige. Those who lost most were the poor and women. Most people would now concede that the results of the programme did not justify the effort and huge resources invested in it.

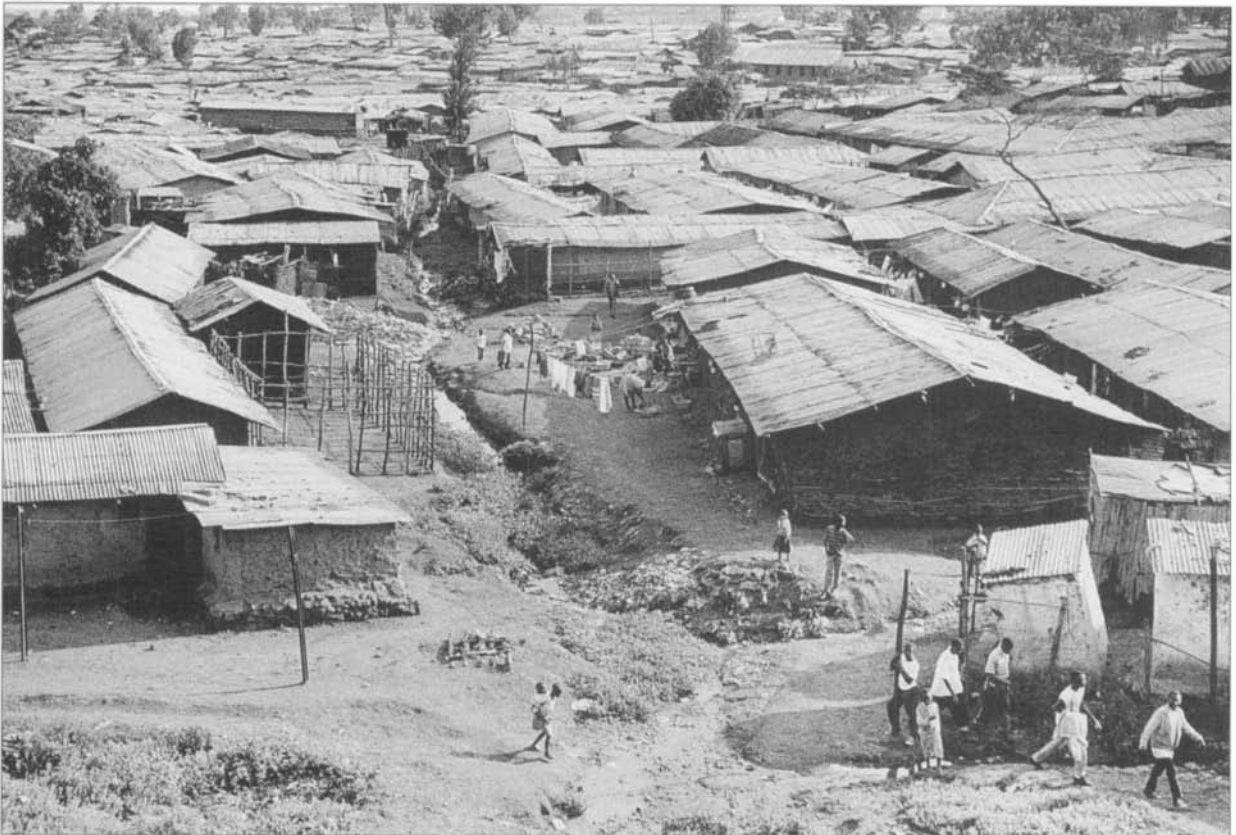
Landlessness creates slums

One consequence of land reform, made worse by rapid population growth, was increasing landlessness. Poor farmers who faced some temporary crisis were liable to sell out to the better-off. The result was a massive movement to the towns and cities, especially to Nairobi, where the migrants established 'squatter' slums — despite opposition from the authorities, who occasionally sent in bulldozers to demolish them.

Today it is estimated that 60 per cent of Nairobi's residents are slum dwellers, living in over 100 slums with few services. People living there are highly vulnerable and insecure. Most are self-employed, living on the fringes of society and supporting themselves and their families by engaging in all kinds of activity which are 'off the books' and ignored or condemned by the authorities. Organisations representing the interests of slum dwellers argue the need to legalise their tenure and to recognise their right to basic services such as safe water, proper sanitation, and waste-disposal services.

Urban centres will continue to grow as the landless and stockless poor are forced to migrate to the cities to survive as casual labourers, night-watchmen, petty traders, rag-pickers, beggars, sex workers, and thieves, their sense of dispossession reinforced by the affluent city lifestyles that they see every day but can never attain.

below Line Saba, one of the 'villages' of Kibera, Nairobi



Land and conflict

Since 1991, conflict over the ownership of land has brought displacement and destitution to some 250,000 Kenyan small-holders, who have been attacked and driven off their farms. At least 1,000 people have been killed. The ethnic fault lines which are being exploited by politicians and local power-brokers run along the boundaries of Rift Valley Region in the fertile and densely settled highlands of south-western Kenya. More recently, similar conflicts have broken out on the coast.

It seems that constitutional rights guaranteeing private property and the freedom of citizens to live in any part of Kenya have been not only violated, but also undermined. The conflict has severely weakened the legal and political integrity of the tenure system, as people with legal title to land have been chased away from their homes.

In 1996, a report by the Kenya Human Rights Commission condemned government agents for apparently sanctioning the abuses — even in some cases, it was alleged, fanning the violence — and rarely arresting the perpetrators. The clashes began soon after the introduction of multi-party democracy, and those who suffered most were usually members of tribes that were seen to be in opposition to the government. Politicians incited ethnic animosity between so-called indigenous communities, the Kalenjin and Maasai, and those — called migrants or foreigners — who had settled in the area during the colonial era. The Commission concluded that tension still prevailed in almost all the affected areas, and that most victims of the clashes had still not returned to their rightful lands.

The report of the Commission (*Ours By Right, Theirs By Might*, Nairobi 1996) stressed the need for a comprehensive policy to guarantee all citizens' rights to land. It argued that the land problem cannot be effectively solved without thorough and gender-sensitive constitutional reform. It called on the government to meet and listen to representatives of the people, to avoid making inflammatory statements, and to distribute administrative posts more fairly in multi-ethnic areas. It urged the government to stop partitioning provinces and districts on an ethnic basis, which, it said, promotes the myth of tribal exclusiveness.

Possible reforms

NGOs concerned about the effects of current policies on land in Kenya say there is a need for the following reforms:

- Legal rights for women, allowing them to own property and have access to land; to inherit land as daughters and widows; and to have access to loans, regardless of their marital status.
- A flexible land-tenure regime in which the State acts as a genuine public trustee.
- Policy initiatives aimed at reviving and strengthening traditional practices which supported common property resources.
- Collaboration between State agencies and local institutions in the sustainable management of natural resources.



Forced evictions: two testimonies

Hundreds of displaced families found refuge in a church compound in Eldoret in 1994. Many were descendants of Kikuyu squatters who had worked on white farms in Rift Valley, and bought plots after Independence. Alice described how her family were driven from their home in Kaparat farm:

It was on 28 March (1994), just after midnight. The men had stayed awake. They saw fires burning in different directions. Houses were being burnt. We went closer to the Trading Centre to be safe, and the men went to fight. But the warriors were many, and well armed. Some of the men were injured. They had arrow injuries, especially in their hands and legs, and in their bodies. The fighting was still going on, but a lot of the men had joined us, joined the women. They'd dropped out.

The next house to us had just been attacked. They were coming at us from all around. My own house had already been burnt. There were over 200 of us. The police gave us a safe way out. We'd been defeated. We had to leave. They helped us pass from the houses into the Centre. The police gave us protection, but they just watched the houses being burnt.

Before, we shared livestock. We went to each other's ceremonies — weddings, funerals. There wasn't the slightest feeling that we were different tribes. It wasn't multi-partyism that brought this. There was no hostility. It came from outside the community. We'd forgive them, because we have to live with them. But it's difficult to forgive a neighbour who's wearing your clothes and milking your cows. 7

Priscilla ('I'm so old I can't count how many years it is') sits in the compound at Thessalia Mission in the Rift Valley, surrounded by chairs and kettles salvaged from her bulldozed village, just two kilometres away. She recalls the day in December 1993 when the police arrived to evict her and 600 members of her Luo community from Buru, where the land is now grazed by Kalenjin cattle.

I was cooking. Police came into the house and caned me across the legs. I ran out and made towards the Mission. I fell just near the houses. I saw a tractor bulldozing my house, with everything inside. I lay there a long time until people came to help me, maybe an hour. Staff from the Mission took me to the hospital. My hip was dislocated and I stayed there for three months. Now I'm here. My leg is still not right. 7

background and below
Refugees in their own country:
the camp for displaced people
in Eldoret, 1994

