

# A Historical Review of Land Tenure Reforms in Kenya

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**Abstract:** *Land Tenure is a collection of relationships which exist between members of a society by virtue of their occupation and use of land [Ezigbalike and Benwell, 1995]. These relationships are dynamic and change with cultural and societal developments [Ting and Williamson 199a]. Feudalism was associated with the fiscal cadastre and the development of the individual tenure. The industrial revolution of the 17th Century precipitated the on-set of land markets and Torrens system; while the information revolution of 1980s created the subdivision of land, the concept of Agenda 21 and sustainable development, and the multipurpose cadastre.*

*It is evident that the growth of land tenure systems is indeed related to changing human-land relations, historical developments and changing political circumstances. Understanding such changes greatly assists in understanding current land policy issues and the impact of such changes on society at large. Simply the humankind to land relationship in any society is not stable but is continually evolving.*

*This paper therefore set out to review the historical and political developments of the land tenure reforms in Kenya since the First Millennium A.D. It also provides a basis for understanding of the evolution of Kenya as a state and the impact of these tenure reforms on the customary systems which had existed among the Kenyan communities for ages. It introduces the reader to the various legislations that were promulgated to implement the new tenure systems and its impact on the governance of the state before and after attainment of political independence 1963.*

**Keywords:** *Land Tenure Reforms, Historical Development, Native Reserves, Colonialism.*

## I. INTRODUCTION

The history of land tenure reforms in Kenya is intertwined with European settlement in Kenya towards the end of the 19th Century and early settlements at the Coast since the First Millennium A.D. [Onalo, 1986]. The first real news of the

East Coast of Africa is contained in an account by Herodotus of an expedition around Africa by the Phoenicians in 450 B.C. [Romero, 1997]. Indeed, the *Periplus of the Erythraean Sea* and Ptolemy's *Geography* of 140 A.D [Chittick, 1974] indicate that as early as the First Millennium A.D, the East Coast of Africa already had business with people from Egypt, Phoenicians, Greeks and Persians.

The great opening of the East Coast of Africa came in the 7th Century AD when Arab merchants discovered the alternating properties of the Monsoon winds between East Africa and Persian Gulf. The North-Easterlies (Kaskazi) would carry ships from India and the Arab Gulf states to East Africa from November to March and from April to October, the South-Westerlies (Kuzi) would provide the return journey. With time, the Arab merchants soon settled at the coast and intermarried with the local communities and produced a new language and tribe, *the Swahili*, who have continued to inhabit the region to the present time. The traders built a series of trading centres, the Swahili Towns, from Somalia to Mozambique and brought a new religion (Islam) among the African communities.

Thus the Settlement of the Arab traders at the coast and subsequent intermarriage, introduced the first time, a major land tenure reform in Kenya from customary to Islamic system which have endured up to the present day. This coastal region in Kenya, where the Islamic tenure is entrenched, is commonly referred to as the Ten-Mile Coastal Strip.

## II. THE TEN MILE COASTAL STRIP

The Ten-Mile Coastal Strip in Kenya is a piece of land approximately ten nautical miles wide from the high water mark of the Indian Ocean to a distance of ten nautical miles inland. It covers an area of 5,480.44 square km and is approximately 536 km long, stretching from the Kenya-Tanzania border to Somalia border, including the Lamu Archipelago. This area contains many isolated blocks of forest, the kayas, which are sacred and culturally controlled by the indigenous coastal people.

When the Omani Arabs settled in East Africa in 1840, these forests offered a sanctuary of several resources which were required for the economic development of the new Omani Empire [Were and Wilson, 1968: 88]. These included slaves, mangroves, fruits, timber and all sorts of food grown by the local Bantu communities. Sultan Seyyid Said [1804-1856] declared his dominion over the narrow coastal strip as early as 1834 and ruled it until the time when the Imperial British East Africa Company (IBEACo) was established. In 1886, European Nations notably, France, Britain, and Germany, agreed that the dominion of the Sultan of Zanzibar be extended to cover the Ten-Mile Coastal strip and the Lamu Archipelago [Jackson, 1969:56].

The land tenure system in the ten-mile coastal strip has been dictated by the changing socio-economic and political circumstances in the area. Under the East African Land Regulations of 1897, people living in the area were issued with certificates of ownership for a term of 21 years in the form of short-term leases. In 1902, the ten-mile coastal strip was considered government land, and therefore available for alienation under the Crown Lands Ordinance. However, without some specific legal process, it was difficult for the government to separate land available for alienation and private land already claimed by subjects of the Sultan at Zanzibar [GoK, 1966].

A provision for land claims within the ten-mile coastal strip was therefore made possible in 1908 through the Land Titles Ordinance; which was specifically enacted to adjudicate the land rights in the area in order to separate private land from crown land. A land court, consisting of a Recorder of Titles, a Surveyor and administrative officers was set up to listen and determine the claims. The duties of the Recorder of Titles included boundary surveys and the preparation of maps to be attached to the certificate of ownership. The Surveyor and the administrative officers only received the claims. The process of adjudication was therefore solely left to the Recorder of Titles [Okoth-Ogendo, 1976].

Any land parcel which was not successfully claimed was declared government land, even if it was occupied by the indigenous community. Consequently, the land tenure system in the ten-mile coastal strip became a complex mixture of private, informal, customary and public tenure that has manifested into the current land issues within the strip of landlessness, squatters, absentee landlords and tenants at will. This radical land tenure reform in the East African Coast has been a major source of political agitation due to conflicts between the indigenous communities and the successive governments in Kenya.

### III. THE PORTUGUESE INFLUENCE

The history of Portuguese influence in East Africa date back to the year 1453 when the Ottoman Turks conquered Constantinople (Istanbul), the capital of Byzantine-East Roman Empire, and blocked the overland route to Europe, which had previously been used by Marco Polo to china (1271-1295). The overland-route was important to the Europeans for the supply of spices from India (for food

preservation) and silk from china for cloth making. With the blockage of the route, Europeans were forced to look for an alternative route to India and the Far East, around the massive African continent.

Henry the Navigator responded to this blockade by establishing a modern naval school at Cadiz to improve the construction of ships and navigation techniques so that the ships could withstand long ocean voyages. At the school, cartography was refined with newly devised instruments (such as the Astrolabe), and maps were regularly up-dated; and a revolutionary ship, the caravel was built [<http://www.theEastAfrican.co.ke/news/Historic-story-of-Mandela>].

From the efforts at Cadiz, the Portuguese sailor, Vasco da Gama sailed around South Africa and reached the coast of Kenya at Mombasa, in 1498 en route to India. The other beneficiaries from the school at Cadiz were; Batlomeu Diaz (who became the first European to reach the Cape of Good Hope in 1487), Christopher Columbus and Sir Fredrick Drake amongst others. A Dutchman Jan Van Riebeeck also capitalized on the Portuguese conquest of the Cape area and established an out-post at the present day Cape Town (in 1652) for fresh provisions.

The Portuguese interest was confined to the coast and hence they did not have any impact on the land tenure system in Kenya, except for Fort Jesus in Mombasa (built in 1593) and Vasco da Gama pillar in Malindi; which are currently gazetted as national monuments. The only tenure reform that can be attributed to the Portuguese therefore is the introduction of Christianity at the coast, through the construction of the Fort as a Catholic symbol and religious centre, in a predominantly Muslim community.

### IV. BRITISH COLONIZATION OF EAST AFRICA

Towards the end of the 19th century, the British were facing major political and economic challenges from other European powers. Stimulated by the industrial revolution of the 18th century, Britain became the main supplier of manufactured goods and investment capital to several European countries [Okoth-Ogendo, 1991: 8]. However, soon these countries also developed their economic capacities and began to supply the same goods to the same markets. British entrepreneurs reacted by adjusting the nature and direction of their trade and capital flow towards newer and less vulnerable markets such as India, Australia, New Zealand and East Africa among others.

British interests in East Africa were motivated by three main factors: (i) the desire to scuttle the Indian Ocean trade which interfered with their interests in India; (ii) the need to develop agriculture in the rich soils of the region so as to acquire raw materials for the industries in Britain; and (iii) the desire to control the source of the Nile and the route to India (and the far East) through the Suez Canal. Queen Victoria took advantage of the Berlin Conference agreement among European Nations (1884-1885), and granted a charter to the Bombay-based Imperial British East African Company (IBEACo) in September 1888 to operate and administer the East African Territory from the Coast inland.

The main objectives of the IBEACo were to; (i) undertake the administration of the ten-mile coastal strip; (ii) acquire territory from the native chiefs in the British sphere of influence by treaty, purchase, or any other means; (iii) establish civil and judicial administration in the districts under the Company's rule; and (iv) levy taxes, customs, grant licenses, construct roads and public works, coin money, and, exercise all rights pertaining to sovereignty over the acquired districts [Caukwell, 1977]. Within one year, the Company had concluded 21 treaties with Native chiefs in the hinterland.

Apart from negotiating treaties with the local chiefs, the Company also made some land grants; and in 1894, the Company published a set of land regulations (The East African Land Regulations 1894) which provided for country lots for renewable leases not exceeding 21 years. Under this arrangement, grazing leases (20,000 acres), agricultural leases (2000 acres) and homestead leases (100 acres) were granted to the would-be settlers. This effectively interfered with the known customary tenure arrangements, introducing unknown concept of land leasing and limitations of movements and use of land which later formed part of the contentious pre independence land issues. The Company however soon became bankrupt due to lack of physical infrastructure and public administration system.

In 1891, the IBEACo and the Royal Charter was revoked and its property rights, (including interests in land) and privileges were handed over to the British Government in return for a parliamentary grant of £250,000 [Were and Wilson, 1968:122]. Kenya was soon thereafter declared a Protectorate on the 15th June 1895 [Sorrenson, 1968:17]. The administrative headquarters of the new protectorate was in Zanzibar under the British Consular General, Arthur Hardinge, also doubled-up as the first Commissioner (Governor) of the new Protectorate.

Through the protectorate status, the colonial government could deal with land in the new protectorate by virtue of concessionary agreements entered into in December 1895 between the British and the Sultan of Zanzibar. The agreement granted Britain full powers of executive and judicial administration, the right to levy taxes, regulate trade and other works, and the power to deal with all questions affecting land and minerals. Nominally, the Sultans sovereignty was preserved over the coastal strip where he flew his flag; as the British had promised not to interfere with Muslim laws and customs.

In order to have a better administrative control over East Africa and the entire catchments area of the Nile Basin, it was necessary for the British to develop some form of economy in order to encourage fiscal independence of the Protectorate. It was immediately realized that there was a need to provide sufficient infrastructure in order to open up the hinterland and to control the source of the Nile in Uganda. The government therefore initiated the construction of the Uganda railway from Mombasa to Kisumu between 1896 and 1901 at a total cost of £8 million [Sorrenson, 1968:19].

The construction of the railway line achieved three major milestones: (i) it solved the problem of communication into the hinterland and enhanced the economic viability of the region; (ii) it linked Uganda to the Coast and improved the

administration of the new territory; and (iii) it enhanced the returns of business from the East Africa region and India. In order to develop and safeguard their strategic and economic interests, the British acquired effective control of land in the region by extending Indian Land Acquisition Act into the interior of the country in 1897 [Okoth-Ogendo, 1991:9]. Furthermore, the British foreign Jurisdiction Act of 1890 and the East African Land Regulation of 1887 were revised and incorporated into one document, the East African (Lands) Order in Council (1901), which gave the British control over unalienated African land without the Africans consent.

This declaration formed the basis for the enactment of the Crown Lands Ordinance (1902) which provided a legal basis for the alienation of indigenous land and subsequent settlement of the first batch of the white settlers in Kenya. It was felt at the time that the white settlers would create an agrarian land reform in East Africa and generate enough funds to offset the costs and maintenance of the railway line. Subsequently, Hardinge (1887) issued a proclamation reserving all land within a mile of the railway line (beyond the coastal strip) for the Protectorate interests, and this laid the foundation of the first major land tenure reforms in Kenya.

Immediately after the completion of the Uganda Railways (in Kisumu in 1901), Charles Elliot (the Governor) felt that the whole railway infrastrucure should be administered by one country. Consequently, all the land west of the Rift Valley, which had hitherto been under Uganda jurisdiction (since the declaration of protectorate status in Uganda and Kenya in 1894 and 1895 respectively), was formerly transferred to Kenya.

In 1920, the East Africa Protectorate, excluding the coastal strip and Zanzibar, was formally annexed by the crown and became a Crown Colony and Protectorate of Kenya. By this time all land was considered as state land with the Governor having ultimate authority on its alienation.

## V. THE ESTABLISHMENT OF THE NATIVE RESERVES

Two events occurred during and immediately after World War I which changed the process of land alienation in Kenya drastically. First, during the war, the colonial government settled 1500 European ex-soldiers in the Kenya White Highlands to ensure security for the white settlers [Okoth-Ogendo, 1991:46]. In order to implement this programme, the crown lands ordinance was repealed and replaced with the Government Lands Act in 1915. This new Act prescribed the process of alienation of land for the ex soldiers; and for the first time, the Commissioner of lands could grant agricultural leases for a period of 999 years free of any purchase price [Okoth-Ogendo, 1991; Ojienda and Rachier, 2001]. Most of these schemes were excised from the African Natives without their consent and major conflicts soon developed between the British and the local communities.

Although the crown lands ordinance of 1902 prohibited the government from alienating any land in actual occupation by Africans, Charles Elliot disregarded this authority and proceeded to alienate 60,000 acres of land in Kiambu-Limuru area between 1903 and 1905, which was occupied by 11,000

African families [Sorrenson, 1967: 18-21]. This, along with other injustices of land alienation, proved a continuous source of friction between the Africans and the British; and in fact in 1914, ex- senior chief Koinange appealed (through the High Court) to the Governor to return the alienated Kiambu land. This appeal was rejected and this, among other issues, resulted into a major confrontation in Nairobi in 1922.

Rutten [1992: 175-178] reports that by 1903, several European settlers had been allocated large pieces of land in the white highlands. These included, Lord Delamere (100,000 acres) on 99 years lease; Grogan and Longham (120,000 acres) 50 year lease around the Eldama Ravine and the East Africa Syndicate (400 square miles) lease of pasture land around Naivasha. The Maasai as a community lost 60% of their land to the white settlers. The total area of the two new reserves comprised approximately 24,000 sq km as compared to the pre-colonial Kenya Maasai territory of 55,000 sq Km. At a maximum, land set apart for the European farmers in Kenya totalled to 31 million hectares [Rutten, 1992:178] and by the end of 1915, 21,000km sq of land had been alienated to 1000 white settlers.

The second event was the creation of the "Native Reserves" in 1918, with "fixed" ethnic boundaries to control the movement of the indigenous communities and provide a pool of cheap labour for the European farms. The Africans were confined on blocks administered as provinces and later districts whose boundaries were drawn along tribal lines. This new arrangement disturbed the customary land tenure system which the indigenous communities had maintained through the process of shifting cultivation and territorial expansion. The creation of the Native Reserves appropriated 100 square miles of the best grazing grounds from the Nandi reserves [Okoth-Ogendo, 1991: 47].

The creation of the native reserves and other oppressive policies on the African land relations led to several conflicts such as: (i) severe destabilization of the social and production relations of the African people; (ii) by confining the African people into native enclaves, and denying them opportunities for technological adaptation or market adjustment, colonial land and administrative policies led to serious land degradation in the African reserves; (iii) in the absence of a clear framework for the evolution of African land relation, no organized regime of indigenous property law was able to emerge. Indeed, the customary law was systematically discredited in legislative enactments and judicial proceedings throughout the colonial period; (iv) the massive displacement of indigenous populations, as a result of the establishment of colonial economic and political structures became a major source of conflict between the indigenous communities and the colonial rulers [GoK, 2002].

The resulting land shortage and insufficiency in food supply resulted in a major discontent among the indigenous communities. The colonial government soon realized that the European settlers would not enjoy any security in their land unless some form of stable property arrangement was provided for the indigenous people. It therefore became necessary to raise the juridical status of the Native Reserves in order to safe-guard the security of the white settlers.

## VI. CREATION OF THE TRUST LANDS

The extent of insecurity and restlessness created by the provisions of the Government Lands Act of 1915 and the creation of the "Native Reserves" (in 1918) first manifested itself in Nairobi 192211 where several Africans were killed as a result of the agitation against incarceration of African political leaders. Leaders of the Young Kavirondo Association had also demanded for individual land tenure for Africans far back in 1921 and resisted extension of the European Settlements in Nyanza. In Central Kenya, the Young Kikuyu Association also demanded for the individual title [Sorrenson, 1967: 27]. These incidents led to the declaration of the Devonshire White Paper of 1923 which emphasized that Kenya was an African country and the interests of the indigenous people was paramount and should be respected by the foreigners. Consequently, it became necessary to review the African land question in Kenya to accommodate their interests.

Consequent upon the above developments, three land Commissions were created between 1924 and 1935 to look into the juridical status of the Africans land. These were the East African Commission (the Ormsby-Gore Commission, 1924-1925), the Hilton Young Commission (1927-1929) and the Kenya Land Commission (popularly known as the Carter Commission 1932-1935). As a result of these Commissions; the Native Lands Trust Ordinance was enacted in 1930 to provide for the establishment of the Native Lands Trust Board. Subsequently, in 1932, the Government reviewed the Native Lands Trust Ordinance and established the boundaries of the Native Reserves [Rutten, 1992: 189].

In 1938, a new Native Lands Trust Ordinance was enacted to replace the Native Lands Trust Ordinance of 1930 and took into consideration, the recommendations of the Kenya Land Commission of 1932.

In 1939, the Kenya (Native Areas) Order in Council was passed and vested the interests of the African Lands into a Native Lands Trust Board [Maini, 1967]. When Kenya attained political independence in 1963, the Native Lands Trust Board was changed into the Trust Lands Act Cap 288 of 1939 and all the Native lands were transferred to the respective County Councils. Apart from the creation of the Trust Lands Act, Kenya Land Commission also recommended for the individualization of titles in the Native Reserves.

## VII. INDIVIDUALIZATION OF TENURE IN THE NATIVE RESERVES

By 1940s land scarcity in the reserves had become a critical economic and political issue and when the Mau Mau revolt exploded in 1952, it became clear that the African land issue could no longer be ignored. The colonial Government realized, for the first time, that the security of the white settlers was in jeopardy unless some form of stable property arrangement was provided for the African reserves. Three important interventions were eventually implemented to safe-guard the African land interests and try to salvage the



deteriorating relations between the Africans and the white community in Kenya.

The first intervention involved programmes designed to decongest the African areas through settlements on vacant crown land and reconditioning of the degraded land. To implement the programme, a Development and Reconstruction Authority (DARA) was set up in the middle of 1940s, assisted by an African Land Utilization and Settlement Board (ALUS), later renamed, the African Land Development Board (ALDEV). These programmes did not succeed for the following reasons; (i) the inherent suitability of the land earmarked for resettlement; (ii) the coercive manner in which the reconditioning schemes were administered; and (iii) general cultural aversion to the dislocation of families, clans and lineages in the process of resettlement [GoK, 2002].

The second intervention involved strategies designed to improve production structures and infrastructure through the provision of limited extension services and new farming techniques. These programmes were known as the "Better Farmer" schemes chosen for their ability to cope with technical demands for production of cash crops on a limited scale. These programmes also failed because no attempts were made to integrate these interventions into the overall colonial economy.

The third intervention involved a major land tenure reform in the Native Reserves when the Sywnerton Plan published (in 1953) sought to intensify African Agriculture" through the process of individualization of land tenure in the African reserves. The plan sought to individualize titles to land in the African reserves and thereby create a group of Africans who would participate effectively in intensive, and large-scale, agriculture. It argued that the individualization of title in the reserves would: (i) enhance proper decision-making in land use and encourage individual initiative, (ii) confer exclusive rights of ownership over parcels of land and thereby remove conflicts, and (iii) improve agricultural production through the allocation of large economic units of land. The colonial authorities believed that once the African elites were adequately inducted into the settler economy, the elites would be prepared to defend the system after independence.

However, [Bruce and Migot-Adhola, 1994] and Juma and Ojwang, [1996:22] observed that the individualization of tenure in the predominantly customary areas did not achieve the intended objectives. Instead, it resulted in several problems: (i) fragmented and sub-economic land units; (ii) tenure insecurity due to the existence of overlapping land rights especially at the interface between rural and urban areas; (iii) a rise in levels of poverty and landlessness due to lack of capacity to gain access to clearly defined, enforceable and transferable property rights; (iv) gross disparities in land ownership with regard to gender and minority groups; (v) inadequate provision of the essential infrastructure for efficient development of the rural areas; and (vi) increased marginalization and landlessness.

## VIII. REGISTRATION OF NATIVE RESERVES

When the land adjudication programmes were initiated within the vast Native reserves, there were no legal provisions for registering the new land parcels and the Government realized that there was need for some form of legal framework to support land adjudication and registration [Sorrenson, 1967: 135]. The Native land tenure rules of 1956 were passed under the Native Lands Trust Ordinance of 1939 to give the programme some legal backing [GoK, 1966:37]. In 1959, a working party on the African land tenure reforms recommended for the enactment of the Native lands registration ordinance to support registration.

In 1960, the ordinance was changed into land registration (special areas) ordinance. The registration component of this Act was repealed by the registered lands Act Cap 300 (of 1963) although parts I and II were not altered and became the land adjudication Act of 1963 [Onalo, 1986: 48]. This adjudication act was used to conduct all the land consolidation programmes between 1965 and 1968 when the new adjudication act was passed.

On the technological side, there were still no reliable means of carrying out the adjudication exercise in the vast African reserves quickly enough to stem the political agitation and great demand for title. The land consolidation programme in progress in central Kenya had relied mainly on ground based surveying techniques (step chaining, compass, and plane table) which were too slow to cover the vast African reserves. The government consequently sought for cheaper and faster methods to accomplish the task.

The Royal Commission on land [SoK, 1954] sitting at Arusha, Tanzania (8th- 22nd February, 1955) observed that experience from southern Rhodesia (present day Zimbabwe) had indicated that aerial photography could be deployed in large-scale cadastral work in Africa on condition that: (i) supplementary ground work was not so extensive as to make the aerial photography uneconomical, (ii) land parcel boundaries could be identifiable on the aerial photographs, (iii) air survey would not replace ground survey methods in areas where the latter is more suitable. The problem was that at the time, there were no facilities locally available to process aerial photographs.

Armed with these recommendations, the government appointed the Lawrence Mission 1965-66 (*the mission on land consolidation and registration in Kenya*) to address the issue of speeding up land adjudication and registration in the African reserves. One of the major recommendations of the Lawrence mission was the full deployment of aerial photographs as a quick means of demarcating land in the African reserves. The ground-based surveying methods were too slow for the vast Native reserves.

Apart from the use of aerial photography in adjudication of Native reserves, the mission also recommended several changes in the land reform programme in Kenya: (i) measurements of fragments by compass and chain and subsequent plotting was discontinued, (ii) the survey department became responsible for demarcation of consolidated land holdings and supervision of the technical staff involved in the adjudication programmes, and (iv) the re-

fly method of producing final RIMs from demarcation maps was discontinued.

The mission also rejected the idea that the existing land adjudication act of 1963 be amended to make it suitable for the non-consolidation areas [GoK, 1966: 45]. Instead, it recommended for the enactment for new acts for a simpler and a quicker procedure of adjudication, but it also took into consideration the group ranches and control mechanisms of disposition of land in the newly registered area. Consequently, the land adjudication act of 1963 was repealed by four new legislations: the land control act, cap 302 of 1967; the land adjudication act, cap 284, 1968; the land consolidation act cap 283, 1968; and the land (group representatives) Act, Cap 287 of 1968.

With these new legislations, the policy of land adjudication was accelerated in order to provide maximum titles to the indigenous people. The adjudication act cap 284 was adopted for the adjudication of land in the former trust lands. Land consolidation programmes continued to apply continued in areas which had already started the land consolidation programmes. However, once the new adjudication act was enacted in 1968, all newly declared adjudication areas were demarcated under the new act, Cap 284 of 1968. Land consolidation programme now applied only to areas in Taita/Taveta, Meru and Baringo Districts where the adjudication was already implemented under the consolidation system [MoL, 1991]. Apart from adjudication, other land reforms included, re-settlement programmes, subdivision of large-scale co-operative farms and group ranches, and alienation of township plots.

#### IX. LAND TENURE SITUATION AT INDEPENDENCE

At independence (in 1963), Kenya had three substantive regimes in property law governing land of various tenures, five registration systems and an elaborate infrastructure of administrative agencies dealing with land and related issues [GoK, 2002]. The purpose of this tenure arrangement was to perpetuate a dual system of economic relationships consisting of an export enclave controlled by a small number of European settlers and a subsistence periphery operated by a large number of African peasantry.

With that arrangement in place, colonial authorities proceeded to negotiate power transfer arrangement based on the principle that the settler economy would not be dismantled. The final outcome of the negotiation was an independence settlement-plan that provided limited scope for land redistribution by removing racial barriers to land ownership in the settler areas, while at the same time confirming and safeguarding property rights acquired during the colonial period [GoK. 2002: 31]. One major product of the plan was the introduction of the settlement schemes designed to take-off pressure for land redistribution exerted by the landless and squatters; and this was the primary rationale for the Million Acres scheme, Yeoman, and Z schemes of the early 1960s. The effect of introducing the ruling African elites into the settler economy ensured that the machinery of the

state would continue to flow towards the settler agricultural economy.

#### X. CONCLUSION

The history of land tenure reforms in Kenya can be summarized in five distinct phases: (i) the early settlement of the Arabs at the coast and introduction of the Islamic land tenure system in the Ten-Mile Coastal Strip; (ii) the establishment of the British colonial economy and creation of the western tenure system in an area of predominantly customary tenure; (iii) a general conversion of the customary tenure into communal Native Reserves and subsequent Trust Lands; (iv) individualization of tenure in the Native Reserves and introduction of the African elites into the settler economy; and (v) introduction of the post-independence settlement schemes and Group Ranches to accommodate the clamour for land redistribution from the landless Africans and squatters.

#### XI. BIOGRAPHICAL SKETCH

Dr. Gordon Wayumba holds a Bachelors Degree in Land Surveying and Photogrammetry from the University of Nairobi (1976), a Masters Degree in Remote Sensing and Photogrammetric studies from Cornell University (USA, 1982) and Doctorate Degree in Geospatial Engineering from The University of Nairobi (2013). He is a Member of the Institution of Surveyors of Kenya (MISK), Land Surveyors Chapter, a Certified Land Surveyor of East Africa (CLS) and practising Licensed Land Surveyor in Kenya. Currently, Dr. Wayumba is a Senior Lecturer in Cadastral Surveying and Land Administration at the Technical University of Kenya and chairman of the Department of Geospatial Science and Engineering at the same university.

Dr. Wayumba areas of research encompass; cadastral surveying and mapping, development of 3-D Cadastre, close range imaging for heritage documentation and digital image processing of remote sensed data. Currently, Dr. Wayumba is currently co-supervising three PhD studies in the areas of; Development of modern Registration system for Kenya, Development of a Cadastral Model for the Urban informal Settlements, Development of a Modern Registration System for General Boundaries in Kenya.

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