
Effect of Colonial Conquest and Colonial Land Reforms on Land Policy Evolution in Kericho County, Kenya, 1895-1952

Wilter Chepkirui^{1*}, Dr. Elekiah Ouma Osuga² and Chebii Kiprono³

^{1*}Scholar, Department of History, The Catholic University of Eastern Africa, Kenya

²Lecturer, Department of History, Catholic University of Eastern Africa, Kenya

³Lecturer, Department of Humanities and Social Sciences, Alupe University, Kenya

Accepted: 24 September 2026

Abstract

Colonialism disrupted all dimensions of the life and existence of the colonized. In Kenya, the colonial administrations imposed all forms of draconian laws and regulations to subdue locals and achieve the British colonial conquest agenda. Land appropriation and the attendant land reforms in the colonial period represented the harshest forms and instruments of colonial control. This study traces the history of colonial conquest, foundations of land dispossession, and colonial land reforms in the native reserves of Kericho County, Kenya, from 1895 to 1952. The study was conducted in four main administrative wards of Kericho County, namely Ainamoi, Kipkelion, Belgut, and Bureti. This qualitative study relied on archival materials, government documents, interviews, and academic sources. Findings show that colonial land restructuring led to socio-economic changes. This included large-scale alienation of land for commercial agriculture, particularly tea, forced displacement and resettlement, increased squatting and tenancy, and reliance on wage labor in plantation economies. The colonial administration's priority of settler interests was not only economic, but also highly political, motivated by the desire to maintain British dominance while limiting African agency. It is recommended that Kericho County urgently conduct a detailed historical land audit. This should trace land ownership from colonial expropriations to post-independence transactions, emphasizing the role of political elites in land distribution.

Keywords: *Political dynamics, Colonial conquest, Land reforms, Land policy evolution, Kericho County, Kenya*

INTRODUCTION

Colonial powers all across the globe altered the customary land tenure arrangements of indigenous peoples in order to favour settlement interests and the optimal exploitation of local resources. Indigenous peoples across different countries, such as Canada and Southern Rhodesia, were forced to give up their land by both legal and violent tactics. In a study by Veracini (2022), it was revealed that the Canadian reserves imposed restrictions on indigenous inhabitants and compromised the administration of customary territory. Muzondidya (2007) also gives an illustration of how European immigrants in Zimbabwe took agricultural areas away from the indigenous people, hence causing racial and economic differences during that time period. These colonial developments, which included the use of coerced treaties, the manipulation of the

judicial system, and the acquisition of property, established a pattern that was replicated across Africa, particularly in Kenya.

Colonial land policies were especially disruptive in Africa. They resulted in the destruction of community land systems that had been in place for many centuries (Onwuzuruigbo, 2019). Throughout East and Southern Africa, colonial authorities enacted legislative frameworks that resulted in the confiscation of land from native populations and the subsequent transfer of that property to migrants. According to Carayannis (2015), these measures, which were conceptualized as modernization programmes, contributed to the worsening of socioeconomic inequality and caused damage to local institutions. These disturbances were occurring in Kenya in a systematic and broad manner. In order to attract European settlers, colonial officials focused their attention on fertile regions such as the Rift Valley and Kericho.

Legislation, most notably the Crown Lands Ordinance of 1915, made Kenya's colonial land policy official. This ordinance recognized the majority of the land in the colony as belonging to the Crown rather than the colony itself. According to Kitching (1980), this ordinance served as the legal foundation for the widespread colonization of African territory and the establishment of the "White Highlands" for European settlers. Sorrenson (1967) observes that this structure resulted in the displacement of a large number of African people, especially in the highlands, and that it replaced traditional land systems with private leasehold arrangements that were advantageous to Europeans.

The Carter Land Commission Report, published in 1932, was a significant event in the history of Kenya's land (Sorrenson, 1967). Although it purported to address African land issues, its primary purpose was to uphold colonial landholding practices. The commission did not make any meaningful changes to colonial land policy or return any land that had been claimed by the government (Okoth-Ogendo, 1991). Okoth-Ogendo is critical of the colonial legal system, accusing it of purposefully undermining African customary rights in order to provide more power to the state and to settler authorities.

Ghai (1997) argues that colonial land policies resulted in the establishment of a dual system of customary and statute rules that continued to exist after attaining independence. Similarly, Kibwana (2000) states that some colonial regulations that promoted private ownership over community administration acted as a barrier to the implementation of post-colonial land reform. As Ghai (1997) observes, this legal dualism was a contributing factor in the creation of ambiguity and conflicts, which in turn created persistent tensions that continue to fuel land-related violence and inequality in Kenya to this day.

The colonial government's stance on land had a particularly severe effect on Kericho County. Berman and Lonsdale (1992) note that the expansion of commercial agriculture, particularly tea, resulted in the loss of land belonging to the Kipsigis people for the establishment of settler plantations. "White Highlands" included a significant portion of Kericho, which resulted in the relocation of Kipsigis settlements and the reorganization of local businesses to cater to the requirements of the settlers. According to Chepkwony (2026), during this period, the Kipsigis and Talai clans were forcefully relocated from their ancestral lands. This is a problem over which the locals continue to cry for justice and reparation. Both the expansion of Kericho and the dynamics of the land in the area were impacted as a result of the economic and social disturbances generated by these measures.

Indigenous populations, such as the Kipsigis, experienced a disruption of their traditional methods of land management, government, and spiritual links to the land as a result of colonial encroachments. Scholars, including Chesaina (1991), Huntingford (1953) and Ngeny (1967),

concur that colonial regulations divided and personalized what had previously been a communal, clan-based structure that was founded on mutual responsibility and sustainable usage. The overarching consequence of these policies was to exacerbate existing inequalities, undermine indigenous institutions, and lay the groundwork for continued land-related complaints and conflicts in Kericho and across Kenya.

Statement of the Problem

The indigenous populations in Kericho County had traditional land tenure systems that were deeply impacted by British colonial actions. The establishment of large-scale tea plantations played a significant role in this disruption. As a result, Kericho County still faces persistent disputes over property ownership, economic inequalities, and conflicts rooted in colonial land laws. Traditional land management practices were weakened, and many locals were displaced due to forced evictions. Since independence, local groups have been fighting for fair land access, further highlighting long-standing issues. Despite various attempts to tackle these problems, challenges in achieving fair land distribution continue. This research, covering the period from 1895 to 1952, investigated how these historical legacies have shaped land governance, ownership patterns, and economic outcomes in the region. The study explored these historical influences to better understand the current challenges related to land and to promote evidence-based solutions in Kericho County, Kenya.

MATERIALS AND METHODS

The study adopted a qualitative historical research design. This research design allowed for deep analysis of archival records, policy documents, and oral histories. The research was conducted in Kericho County in Kenya's Rift Valley region. This area has a significant history related to land distribution and agricultural growth, particularly in tea farming. Kericho sits about 2,200 meters above sea level and borders Bomet, Nakuru, and Kisumu counties. It lies along the western edge of the Mau Forest complex. The region has fertile soils and a good climate, which supported large tea plantations established during the colonial period (Jerobon, 2021). Historical land acquisition and distribution shaped the area's development, especially through organizations like the Tea Board of Kenya. These factors made Kericho County an ideal place to study the long-term impacts of colonial and post-colonial land policies.

Elders, community leaders, small-scale farmers, large-scale tea plantation owners, government officials from land-related ministries, historians, legal experts, and researchers who specialize in land problems in Kenya were among the respondents who were targeted for this survey. The researcher used non-probability sampling approaches, notably purposive sampling and snowball sampling, to select participants. Participants were purposefully selected on the basis of their knowledge, experiences, or formal duties in relation to land governance, totalling to 30 informants. This number was sufficient for a qualitative historical study because it aimed for a deep understanding of land politics and tenure change. The selection was made based on defined criteria: candidate's residence or professional activity in the four chosen wards, namely Ainamoi, Kipkelion, Belgut, and Bureti, as well as their awareness of the changes in land policy that occurred between the years 1895 to 1952. The snowball sampling method was used to enable the first informants to propose other participants who had expertise. Via the use of snowball sampling, the researcher was able to locate people who were acknowledged in the community for their competence but who would not have been accessible via official channels.

Primary and secondary sources were used for data collection in this study. Primary sources included government documents, policies, and archival records from the Kenya National Archives, such as land surveys, court records, and legal documents. Secondary materials

included published books, journal articles, newspapers, and magazines related to land distribution and utilization patterns. Data was collected using semi-structured interview schedules, focus group discussion guides, a document analysis guide, audiotape recorders and observation checklists were utilized. Data analysis involved a thorough review of the collected data to identify emerging themes and patterns related to the study's objectives. To begin, the researcher made sure that the interview guides, focus group discussion guides, and observation checklists were consistent with one another and that they included all of the necessary information (Kothari, 2004). Transcripts of the audio-recorded interviews and discussions that took place in focus groups were arranged according to the most important research topics. Through thematic analysis, a full understanding of the participants' lived experiences and perspectives of land governance in Kericho County was achieved. For the purpose of enhancing authenticity and capturing socio-political and economic subtleties, verbatim extracts were emphasized across the document.

RESULTS AND DISCUSSION

Colonial Conquest and the Foundations of Land Dispossession, 1895–1904

The period between 1895 and 1904 had a significant impact on the history of East Africa. The foundation of the colonial conquest state began with the Imperial East Africa Company (IBEACo), which established administrative structures, negotiated agreements with African leaders and conducted surveys for later state machinery and the Ugandan railway (Pearson, 1998). The British government assumed direct control, creating the East Africa Protectorate (Kanyinga, 2009). According to Kanyinga, the transition from company rule introduced treaties and agreements between the British officials and the African rulers. However, these treaties later led to evictions, native reserves and the Crown Land declarations, which stripped the Kipsigis of their land tenure systems (Chesaina, 1991).

The British colonial control and the systematic dispossession of land were also established during this period. The colonial administration instituted individual property titles in lieu of community landholding to replace communal landholding (Brett, 1976). Additionally, during this time period, land rights were reorganized via the use of legislative and administrative measures. The British placed a significant amount of importance on Uganda because of the Nile River and the strategic and economic benefits it offered (Okoth-Ogendo, 1991). The British and Germans in Tanganyika established a rivalry with one another as a result of their competing interests in Uganda. They put their names on a document that was supposed to be named the Anglo-German Agreement. For the purpose of establishing its southern frontier, this agreement from 1890 defined a line that extended from the Indian Ocean to Lake Victoria, passing over Mount Kilimanjaro. Later, in 1894, when Uganda had been a protectorate of the British, the border was not clear but stretched to the region of the Rift Valley, which is today a part of Kenya and is the location of the Kipsigis community where they reside.

Several factors contributed to the British government's interest in East Africa (Wolf, 1974). Because of the region's abundant agricultural potential, which boosted aspirations for commerce with Europe, its strategic significance played a key role. This was especially true because of the region's strong agricultural potential. He noted the region's good soil and abundant rainfall, both of which were perfect for agricultural communities and stock farms, as well as industries for coffee, tea, and cotton (Okoth-Ogendo, 1991). He also said that the population of the region was substantial.

Prior to the establishment of colonial administration in 1895, their agricultural system was characterized by community land ownership that was founded in clan systems, varied production

tactics that dispersed risk among crops and cattle, and profound ecological knowledge that was transmitted via oral traditions and ceremonies. Orchardson (1961) found that these societies have robust social structures that not only encouraged equitable resource allocation but also collaborative risk management. The resilience of this system was shown by the fact that it enabled the community to endure droughts, plagues, and wars while simultaneously preserving biodiversity and ensuring that the soil remained productive. This was a significant development that marked the beginning of colonial land regulation and the division of land.

The first colonial district commissioner went into Kericho district from Narok in the late nineteenth century, which is considered to be the beginning of early European involvement on Kipsigisland (DC/KER/6/1/1910). In the years that followed, European settlers and merchants came. In his writing, Langat (2018) observes that the German naturalist Dr. Fischer was the first European to go through the territory of the Kipsigis in the year 1886. In the years that followed, Frederick Jackson was said to have assisted Menya Arap Kisisara, a warrior, in settling disagreements with the Maasai in the year 1889 (Langat, 2018). According to the Kipsigis tradition, they would chop two canines in half to represent the kinship between a blood brother and a blood sister.

During the beginning of their connection, the Kipsigis and the Nandi worked closely together and had a close bond. They had a great deal of respect for the *orkoiyot* because of the role it played in maintaining peace in their community, which gave it a great deal of authority. Through the *orkoiyot*, the community was brought together. He spearheaded a substantial amount of opposition because he was dissatisfied with the presence of the British. On the other hand, the British acknowledged him as a powerful leader and assigned him to the position of supreme chief of the Kipsigis (Tuei, 1995). He continued to be resolute in his determination to oppose the intruders, even after having a meeting with Arap Koilegei at Kipkelion. Between the years 1898 and 1903, the Nandi and the British came into contact with one another as a result of the building of the Kenya-Uganda railway (Tuei, 1995).

The Nandi, via the leadership of Orkoiyot Koitalel Samoei, fought against the course that the railway would take through their country, which resulted in clashes with the British soldiers. The Nandi launched an assault on the railway, which resulted in the British preparing to apprehend the *orkoiyot*, whom they considered to be the origin of the Nandi's power. According to Matson (1974), the Kipsigis joined the Nandi resistance because of the close proximity to the violent conflict. The British continued to be frustrated by the intense raids carried out by the Nandi.

Fundamental changes occurred in the social, economic, and environmental landscape of Kericho as a result of the construction of the Uganda Railway in the year 1901. This was a fundamental shift in the colonial transformation of East Africa. As discussed earlier, the Nandi were opposed to the building of the railway since it would require them to give up part of their territory. Koitalel Arap Samoei, who was their leader, was the one who spearheaded this resistance. This critical infrastructure promoted greater European settlement and made it easier to harvest and export cash crops, which ultimately led to the integration of local economies into global markets. The railway was given the nickname "long snake of the white man" by the Kipsigis. This nickname explained the significant influence that the railway had as a force of colonial incursion and environmental change (Ngugi, 1986). The railway, which was constructed under hazardous circumstances and with the labour of thousands of Indian and African labourers, not only accelerated the process of economic exploitation but also stimulated the rise of urban areas and worsened the loss of land among the Kipsigis (Clayton & Savage, 2012). The Uganda Railway, which served as an instrument of colonial authority and the spread of settler settlements, is

revered as a symbol of imperial conquest and the long-lasting effects it had on the Kenyan highlands.

The British attempted to exert administrative authority over the Kipsigis in the 1900s, a process closely tied to the establishment of colonial posts (Clayton & Savage, 2012). Kericho station was opened for business by Major Evans Gorges, the first British Political Officer, in the month of May in the year 1902 (Kimaiyo, 2004). The position was taken over by Sergeant Ellison in January of 1903, and in that same year, Her Majesty the Commissioner paid a visit to Kericho (memoirs of the former Chief Torongei Arap Taptugen were published in Toweett in 1979). In the course of expanding the colonial administration in Kericho, authorities conducted a reconnaissance of Kericho in search of locations that would be suitable for European habitation and agricultural establishment (Langat, 2018).

It is also very important to keep in mind that the borders were established according to the suitability of the land for the agricultural objectives of European settlers. According to oral history, *Kiplel Tiondo* was given his name because he was known to ride a white horse (*nyumbut*) while indicating the productive regions of crops. In addition to *Kasorok* and *Angata*, he travelled via the Hills of *Nyaulono*, *Narok*, and *Kijabi*, until he eventually arrived to *Tulwop Koilegen*, also known as Mount Kenya. It was believed that he was joined by elder Kipsigis men from a variety of clans, including *Kapchamogondek*, *kipokwoek*, and *kipamuindet*, all of whom were members of the *Nyongi* age-set system.

In the year 1905, the Kipsigis came to the realization that they were no longer a sovereign people. When they tried to raid livestock from the Maasai, as was traditional, the colonial administrators ordered them to return the stolen animals and pay a fine (Toweett, 1979). This understanding came about as a result of the colonial authorities' actions. Because they disregarded the colonial authority, the Kipsigis were subjected to punitive expeditions that were conducted by Major Pope-Hennessy and another individual named James Partington (Mwaura, 2007). According to Langat (2018), the Kipsigis did not put up much of a fight since they did not have a military force. They virtually lost their independence and were forced to make a promise of allegiance, even aiding the Nandi, who were opposing and retaining their livestock that had crossed into the territory of the Kipsigis (KNA/DC/KER/30/1930).

Educating the Kipsigis and bringing them to Christianity was the first step that the Europeans took in their quest to win their confidence. According to oral testimony from Kipnyigei:

“The *kiptilpik* (colonialists) lied to us to believe in churches and religion that took away our own *Kayanet* (belief) replacing it with a new idea totally different from our own. We were so trustworthy as we had not seen such on our land and thought that had good intentions and that they would bring good ideas and improve our way of living. We had no doubts and all along they just targeted our fertile land that we had been given by our *torotet* (supreme being). We were chased from our homes to we camped in *Cheptembe*.” (Kipnyigei, O.I., 2023).

Many Kipsigis were displaced from their land, where they had practiced their traditions as colonial military and administrative measures disrupted their settlement patterns and customary land-use practices. An oral testimony obtained from Elizabeth Rotich states:

“I was born in a village now taken over by Ekaterra, which used to be Unilever and Brooke Bond. We lived there when the British came and forced us to leave. They called us squatters for living on our own land. Our homes were burned down with everything we had inside. I feel very bitter about it. We had to leave, and we had nowhere to go. I got hurt while trying to protect our animals” (Rotich, O.I., 2022).

The purpose of these land seizures was not only to make a profit, but they were also a component of a colonial policy that included the gradual relocation of native inhabitants. The Kipsigis were often relocated without their will to more impoverished and wooded regions, which had soil that was less fruitful and posed a higher threat from wild animals. The result was that their link to their ancestral lands was broken, and their customary means of subsistence were disturbed. In a previous study, Chepkemai (2021) found that the Kipsigis' social and economic institutions were undermined as a result of the loss of land, which also resulted in the creation of new forms of reliance and labour exploitation within the plantation economy. These shifts provide light on the larger patterns of colonial land policy and capitalist agriculture that were the driving forces behind social instability and environmental change in the highlands of East Africa.

The Kericho environment was transformed from a holy, communally maintained place into a commodity that was primarily valued for commercial exploitation as a result of the colonial state's military conquest, changes in the law, and growth of the colonial infrastructure. Kitching (1980) contends that the redefining of land tenure caused indigenous people's perspectives on land stewardship to be disturbed and that these perspectives were replaced by property systems that were developed to suit the objectives of colonial interests and settler economies. The continued impacts of this transition are discernible in the social, political, and economic interactions that surround land in Kericho. In this region, historical dispossession continues to have an impact on the land conflicts that are now taking place and the identities of the community.

Colonial Land Reforms in the Native Reserves, 1915–1952

Large tracts of land in Kenya were handed over to European settlers by the colonial government in the 1910s (Kipchumba, Sigei & Cheruiyot, 2021). Subsequently, a new structure was necessary in order to effectively manage African communities who were being displaced from their traditional territories. The response was the formation of Native Reserves, which were established by the Crown Lands Ordinance of 1915 and subsequent official announcements in the 1920s (Okoth-Ogendo, 1991).

The greater colonial effort in Kenya was driven by a continuous policy of land loss and racial segregation that undercut indigenous land usage and commercialized holy regions. The Crown Lands Ordinance of 1902 declared any property that was "not lawfully held or occupied" by indigenous to be Crown property and available for alienation. It was a significant factor in the formation of this transformation. According to Okoth-Ogendo (1991), this notion ignored the customary land rights that traditionally existed in Africa. These rights did not have legal titles, but they were founded on long-standing community rights. The impact was most severe in Kericho, where extensive tracts of fertile highlands were appropriated by the Crown and then re-assigned to settlers as freehold estates. During the year 1946, Swann, who served as the District Commissioner for Kericho, recognized that "no tribe had lost more land than the Kipsigis" (Ndiema, Wekesa & Oduor, 2024).

The Crown Lands Ordinance of 1902 was responsible for the formalization of colonial land acquisition in Kenya. It had a huge impact on fertile regions such as Kericho County. An ordinance that declared all property that was not "lawfully held or occupied" as Crown property rendered ineffective indigenous community land systems. These land systems did not have official title records, but they were firmly rooted in customary law and social governance (Okoth-Ogendo, 1991). This legal structure made it possible for the Kipsigis, whose spiritual and economic links to the land were neglected by colonial officials, to remove a large portion of the fertile highland land that they maintained in Kericho (Anderson, 2005). It was within the

Commissioner of Lands' jurisdiction to reallocate these lands as freehold estates to European settlers and multinational corporations. This served to reinforce the control that European settlers held over the land, while simultaneously driving indigenous tribes into locations that were less fertile and marginalized. This action was carried out with a tremendous deal of vigour, and it left an indelible mark on the Kipsigis. A key informant had this to say:

“My grandmother and six other women stayed in the ruins of their houses for over two weeks during the rainy season. The settlers poured boiling fat on her ears to try to get her to move. It was only when one of the children fell very ill that she agreed to seek shelter with our relatives. Even now, she is afraid to see a white man” (Mitei, O.I., 2024).

Not only did this cause disruption in the practice of traditional land usage, but it also laid the groundwork for protracted land battles and socio-economic exclusion, both of which are still occurring today (Kitching, 1980). Such legislative revisions indicate how colonial law acted as an instrument for dispossession, legitimizing settler expansion under the pretence of progress and prosperity.

With the Crown Lands Ordinance of 1915, settler domination was further strengthened by the fact that all land inside the protectorate was designated as Crown Land, regardless of whether or not it was occupied or used by locals. According to Okoth-Ogendo (1991), this rule significantly institutionalized racial segregation in property ownership systems by making it officially illegal for non-Europeans to retain land that was leased to settlers. It is stated in colonial documents that the ordinance "effectively barred Africans from acquiring land titles in settler areas, thereby consolidating settler dominance" (KNA/DC/KER/1/4/1915). This exclusionary goal is highlighted by the fact that the law was enacted. During an oral interview, Chebet provided a vivid illustration of this reality. She said, "It was a law that made our lands theirs, and we were only tenants in our own homes" (Chebet, O.I., 2023).

The Land Titles Ordinance of 1908 created a land registration system that was based on the ideas of English property law. This helped to complement the framework that was already in place. Because of this arrangement, individual ownership was preferred, the separation of property from communal Kipsigis tenure was encouraged, and significant freehold grants were made available to European immigrants beginning as early as 1910 (Kitching, 1980; Kericho District Property Registry, 1910). According to oral accounts, this significant shift occurred: "Our land was no longer shared but owned like a commodity" (Kiprono, 2023). Land relations in Kericho underwent a significant transformation as a result of the combined effects of these laws and administrative actions. Their actions resulted in the formalization of land dispossession and laid the groundwork for long-term socioeconomic disparities.

According to Sorrenson (1968), the establishment of Native Reserves in 1915 made it possible for Europeans to make use of a sizeable portion of the land in the Kenyan Highlands (the “white Highlands”). With the signing of the Anglo-Maasai pact in 1904, the Maasai were forcefully evacuated from their territories along the railway that ran between Naivasha and Nakuru. This was the beginning of this course of events. As a consequence of this, Africans living in these regions were forced to abandon their ancestral lands and were relocated to tiny, unproductive sections of their old territory. The year 1907 saw the formal establishment of the Kipsigis Native Reserve.

The Londiani-Kipkelion area was the location of eighteen farms, each consisting of 5,000 acres, which were surveyed and then distributed to European immigrants (KNA/Londiani Allotment File, L.O. 859). The Kipsigis were forced to relocate from Tuluap Kipsigis Hill, which was their holy hill located on the border of the Mau Forest, to Muhoroni in 1911. Rutto (2014) indicates

that this resulted in the loss of ninety thousand acres for the Kipsigis. They subsequently recalled their loss in statements that were presented during the hearings of the Kenya Land Commission also known as the Carter Land Commission, in 1932. It was recounted by elders such as Tirop Arap Maiga of Belgut that their community used to span from Londiani to beyond Kibulgen, but that they were pushed into reserves when District Commissioners established new limits and transferred them from Lumbwa railway station across the Tugena River (Kenya Land Commission, 1932). In a similar manner, Kibirir Arap Chemwa of Bureti recalled how in 1907, "*Bwana Kibeldiondo*," who was most likely Captain Monckton, ordered the burning of fields around Ngoina, Manga, and Miss-Miss before forcing them into the confined confines where they continued to reside.

There was a continuing increase in the magnitude of the land loss. According to Duder and Simpson (1997), the Kipsigis were deprived of around 25,000 acres of valuable land as a result of the army settlement project that was implemented in 1919 and was known as the British East Disabled Officers' Colony as well. This property, which was originally meant for former soldiers, was eventually granted to tea firms, which include James Finlay trading as African Highlands Produce Co. Ltd. and Brooke Bond (now Unilever Tea), both of which continue to dominate the Kericho market to this day. Brooke Bond acquired L.R. Nos. 3977, 3978, and 3979, resulting in further land losses in Muhoroni. These land losses included the Chemotom Salt Lick, which was a major cultural and biological site that eventually became a part of Kisumu County (KLC, 1932).

A crucial transformation occurred during the colonial era, which lasted from 1895 to 1920. It was during this time that British authorities started implementing policies that significantly altered the agricultural methods followed by indigenous people. The advent of private land ownership, cash crops, and new farming methods caused problems with the practices that were already in place, which ultimately led to the systematic replacement of indigenous agricultural systems with tea production starting in 1924 (Sorrenson, 1967). The Kipsigis' agricultural techniques and land usage underwent considerable transformations as a result of the arrival of cash crops like as cotton and tea cultivation. Through the acquisition of extensive tracts of fertile land for large-scale agriculture, multinational corporations, particularly Brooke Bond and James Finlay, made significant strides toward becoming important participants.

A strong connection existed between the colonial government's land policy and the recruitment of African labour. According to Ochieng (1985), in 1919, Governor Sir Edward Northey issued a decree that encouraged Africans to labour on farms owned by Europeans. Until 1912, flax was a significant revenue crop; however, by that year, tea trials were well beginning, which required a significant amount of work. The Kipsigis, who had been dependent on agricultural and herding methods for a very long time, were coerced into working for the colonial government via a variety of tactics. The most severe kind of work was forced labour, which was accompanied by administrative pressure exerted by chiefs (Van Zwanenberg, 1975). Squatting was another prevalent approach that allowed Kipsigis families to remain on settler farms with their animals in return for work requirements (KNA/DC/KER/3/1/1913). Squatting was a common practice. As a result of this precarious arrangement, settlers were able to find a labour, while Africans who had been evicted were able to find a way to survive.

In addition, the colonial authority used registration as a means of exercising control. It was required that all African males over the age of 16 carry the Kipande by the year 1920. The Kipande was a type of identification that was stored in a metal container and recorded personal and job information. Once a worker was registered, they were unable to quit their job or

negotiate their salary without running the possibility of being arrested or going back to their employer without their will (Zezeza, 1992). African labour was successfully regulated by the Kipande, which enabled salaries to remain low while still securing labourers' employment on white farms. As a result of the fact that violating its laws may result in incarceration, mobility became illegal.

Structures of administration helped with this organization. The Native Land Units, the Native Courts, and the Provincial Government all continuously backed the interests of the settlers (KNA/DC/KER/2/12, 1950). By demonstrating how colonial authority was integrated in legal and bureaucratic procedures, these institutions demonstrate how these processes eroded the rights of Kipsigis while simultaneously encouraging European reaches, particularly via the expansion of tea plantations (Nandako, 2020).

Despite the fact that the Native Lands Trust Ordinance of 1938 was enacted with the intention of protecting African lands, its underlying purpose was to limit African residents to peripheral regions while legitimizing settler ownership in other places (Lonsdale, 1994). This racial landscape was strengthened after the establishment of tribal reserves. Through the implementation of these laws, the Kipsigis in Kericho were confined to reserves that were becoming more congested, which exacerbated the economic challenges and social tensions that are still present (Ndiema et al., 2024).

Created in 1938, the Native Lands Trust Ordinance was enacted with the purpose of safeguarding African land interests via the establishment of tribal reserves that were overseen by a central trust board. Indigenous groups were forced into less productive and environmentally sensitive regions as a result of the ordinance, which resulted in an increase in the spatial and economic marginalization of these communities. This perpetuated the existing disparities (Anderson, 2005). The inequities were clearly acknowledged in the administrative reports of the colonial government. That "the reserves allocated to native communities are generally unsuitable for sustainable agriculture" was noted by them in the Kenya Annual Report from 1940.

The Provincial Administration and Native Land Units were responsible for managing the execution of these policies, according to the oral testimonies that were collected (Koech, O.I., 2024). These organizations served as instruments of settler government, supervising African reserves, and resolving land disputes, often in favour of European settlers. They were responsible for managing African reserves. According to Anderson (2005), the Native Courts and Local Native Councils were established in order to regulate communal problems and land concerns among indigenous people who were under colonial administration. Nevertheless, they often operated in a manner that was advantageous to settlers, so limiting the authority that indigenous people had over the administration of land (Lonsdale, 1994).

The Carter Land Commission, founded in 1933, was charged to evaluate these claims and recommend remedies. Its mission was to investigate the nature and scope of claims that native peoples had made over territory that had been acquired by non-native people and to provide suggestions on how such claims might be resolved, whether by law or some other method. Nevertheless, the conclusions of the Commission, despite the fact that they documented the complaints of groups such as the Kipsigis, ultimately backed segregation and settler protection rather than restitution (Kenya Land Commission Report, 1932).

When it comes to the acquisition of land by Africans, it is essential to take into consideration the corruption that developed throughout this process. The only people who gained more were those who had cattle, since cattle were considered to be important animals and were often captured during raids (Veit, 2019). An oral interviewee stated that:

“The *etumaniat* (appointees) from the colonial government were from our ancestors, but their real interest was in the cattle due to their value and the fact that they were often hidden because they had been stolen from the Gusii (Ng’eny, 2023).

Wily (2018) adds that the Crown Lands Ordinance of 1915 did more than just prolong leases for Europeans; it also signified the formal termination of African land rights. This was a significant event. Africans were virtually relegated to the status of tenants of the state as a result of the decree, which declared all land, including land that was inhabited by Africans, to be property of the Crown. According to Sorrenson (1968), compensation was only paid for changes made to the property's outward appearance and not for the nature of the land itself. A notion that had mostly died away in Europe by the late nineteenth century but was strengthened by colonial authority was brought back to life by this legal structure, which restored an old concept of sovereign sovereignty over land. This led to the establishment of a dual land tenure system in Kenya, in which the White Highlands were reserved only for European immigrants, while Africans were forced to relocate to Native Reserves around the country.

According to Berman and Lonsdale (1980), by the year 1926, twenty-four "tribal" reserves had been formed. This dual system resulted in the formation of a split colonial state, which consisted of one set of rules for settlers and another set of laws for Africans (Mamdani, 1996). In terms of the economy, the purpose of this arrangement was to provide a consistent supply of low-cost African labour and to secure land for settlers. Africans looked for low-wage labour on settler farms, where pay was among the lowest in the world (Berman & Lonsdale, 1992). This was because land became scarce and reserves became overcrowded. The enclosing of communities inside reserves functioned not only as a method of exercising governmental control but also as a tactic to reinforce the agricultural practices of the settlers. In addition to Southern Rhodesia, South Africa, Mozambique, Nyasaland, and Basutoland, other countries in eastern and southern Africa also used comparable techniques for the acquisition of land and the exploitation of labour (Bernstein, 2010). This demonstrates that colonial governance practices were widespread across these regions.

The Government Lands Act of 1915 and the establishment of Native Reserves in 1918 both contributed to the existing instability and discontent, which in turn spurred political activism in a short amount of time. The earliest manifestation of this turmoil occurred in Nairobi in 1922, when African demonstrations over the imprisonment of political leaders resulted in the deaths of numerous people. By 1921, the Young Kavirondo Association had already advocated for individual land rights for Africans and fought against the spread of European settlements in Nyanza. In a similar manner, the Young Kikuyu Association advocated for individual land rights in the Central region of Kenya (Sorrenson, 1967). The culmination of these complaints was the Devonshire White Paper, which was published in 1923. This document acknowledged Kenya as a country that is basically situated in Africa and said that the interests of the indigenous people should take precedence over those of the European immigrants.

The Ormsby-Gore East African Commission (1924–1925), the Hilton Young Commission (1927–1929), and the Kenya Land Commission, also known as the Carter Commission (1932–1935), were the three commissions that were established between 1924 and 1935 in order to evaluate the legal status of African land. These commissions were established in response to the policy shift that occurred in 1924. The Native Lands Trust Ordinance, which was passed in 1930 and established the Native Lands Trust Board, was developed as a result of their findings. During the year 1938, this legislation was replaced by a new ordinance that included the suggestions made by the Carter Commission. In 1932, this ordinance was revised in order to establish the

limits of Native Reserves (Rutten, 1992). In the following year, the Kenya (Native Areas) Order in Council (1939) was passed, which gave the Native Lands Trust Board the authority to give land rights to Africans (Maini, 1967).

The Native Lands Trust Board was renamed the Trust Lands Act, Cap. 288 about the time that the country gained its independence in 1963. During that time, African lands were controlled by local county councils. The Carter Commission was responsible for laying the groundwork for a more radical policy, which was individual land tenure in the reserves. This change occurred concurrently with others.

By the 1940s, the reserves were experiencing both economic and political challenges as a result of a lack of available land. The seriousness of the African land question was brought to light by the first outbreak of the Mau Mau insurrection in the year 1952. It was the first time that the colonial authority acknowledged that the safety of the settlers was in jeopardy if Africans were not allowed solid property rights (Okoth-Ogendo, 1991). Three significant activities were developed as a reaction to the situation. The first attempt was made to alleviate the congestion that existed in the reserves by implementing settlement programs on empty Crown property and by rehabilitating land that had been deteriorated.

The Development and Reconstruction Authority (DARA) was established in the middle of the 1940s to provide assistance in this regard. Its primary purpose was to collaborate with the African Land Utilization and Settlement Board (ALUS), which would eventually evolve into the African Land Development Board (ALDEV). These initiatives, despite their intentions, were mainly unsuccessful owing to the use of improper resettlement locations, the implementation of forceful agricultural reconditioning efforts, and the dissolution of clan and lineage landholdings that served as the foundation for social cohesiveness (Ambwere, 2003). As part of the second effort, "Better Farmer" programs were implemented. These programs provided limited training as well as new techniques for cash crop cultivation. Additionally, their initiatives were unsuccessful due to the fact that they were not tied to the larger economy of the colonial period (Okoth-Ogendo, 1991).

In 1953, the Swynnerton Plan was implemented, which was the third and most substantial intervention effort. Individualizing land ownership in the reserves was one of the goals of this initiative, which attempted to enhance agricultural practices in Africa. Customary tenure was planned to be replaced with private titles, which would result in the establishment of a class of African farmers who would concentrate on large-scale agriculture that was oriented toward the market (Bruce, 2003).

There were a number of advantages that were promised by the plan, such as increased individual initiative, exclusive ownership rights to prevent land disputes and increased productivity via the consolidation of economic units. An African elite, once incorporated into the settler economy, would stabilize and preserve the property system after independence, according to the political thinking that was behind the situation. Nevertheless, the outcomes were not uniform. Advocates such as Bruce and Migot-Adholla (1994) state that the changes resulted in land holdings that were fragmented and unproductive. Additionally, they brought attention to the fact that overlapping land rights, particularly in peri-urban regions, were the root cause of instability, poverty, and landlessness.

The disparities between women and people of colour increased, the infrastructure continued to be poor, and marginalization became more severe. In Kericho County, which is home to the Kipsigis tribe, the problem of formalizing personal property ownership inside native reserves was especially obvious. Historically, the Kipsigis society had used a communal land tenure

system. When adjudication programs were first implemented in the 1950s, there was no suitable legal framework for registering consolidated plots of land. This made it more difficult to make the shift from customary to individual tenure systems. In order to fill this void, the Native Land Tenure Rules of 1956 were adopted in accordance with the Native Lands Trust Ordinance of 1939 (Wayumba, 2015). A Native Lands Registration Ordinance was presented by a working group in the year 1959. This ordinance was then renamed the Land Registration (Special Areas) Ordinance in the year 1960. In spite of the fact that this was eventually abolished, the contents of this act were included into the Land Adjudication Act of 1963 as well as the Registered Land Act, which was established in 1963 (Onalo, 1986).

According to archival data gathered from Kericho County, local elites, mainly African chiefs, made aggressive use of the administrative power under the Swynnerton plan in order to consolidate land in their favour and marginalize political opponents. During the 1950s, Chief Kipkemoi Arap Sigei, a famous Kipsigis leader, manipulated land adjudication procedures in order to allocate bigger, more fruitful plots to himself and his friends, while simultaneously marginalizing members of the community who disagreed with him and members of minority groups (Swynnerton, 1954). Chief Sigei used his position to his advantage in order to exert influence over the registration of land titles and to ensure that loyalists and family members were given preferential treatment. On the other hand, those who opposed him or were regarded as having less influence were either left with smaller plots that produced less or were completely excluded (KNA/AF/1/1/1954). In addition to being a colonial project, the Swynnerton plan was also a vehicle for local elite coercion and land acquisition, as detailed in the yearly reports of Kenya Colony and Protectorate (1954). This direct manipulation of policy at the local level indicates how the Swynnerton plan was not solely a colonial endeavour.

Conclusion

This paper explored the political roots of colonial land policy in Kericho County. The findings showed how legal tools like the Crown Lands Ordinance and administrative bodies such as the Provincial Administration enabled the large-scale taking of Kipsigis land. Chiefs, District Commissioners, and other colonial agents supported settler goals by destroying indigenous land ownership and weakening traditional authority. In response, local African leaders and welfare organizations emerged to challenge these policies and framed land loss as a political and moral issue. Grassroots efforts, petitions, and protests signalled a growing political consciousness tied to land grievances.

The colonial administration's priority of settler interests was not only economic, but also highly political, motivated by the desire to maintain British dominance while limiting African agency. Despite the rise of African political mobilization, colonial responses were either dismissive or geared at maintaining the status quo through selective reforms such as the Swynnerton Plan. These changes produced individual land tenure arrangements and commodified land, further alienating community landholders and enforcing socioeconomic stratification within African communities.

Recommendations

Kericho County urgently requires a detailed historical land audit, focusing on the colonial foundations of land dispossession. This audit should trace land ownership from colonial expropriations to post-independence transactions, emphasizing the role of political elites in land distribution. The findings of such a historical audit should drive a transparent restitution or compensation procedure that addresses injustices caused by political manipulation of land policy.

Where land restoration is not attainable, community development funds or reparative activities should be prioritized.

REFERENCES

- Ambwere, S. (2003). *Policy Implications of Land Subdivision in Settlement Areas: A Case Study of Lumakanda Settlement Scheme* (M.A. Thesis, University of Nairobi).
- Anderson, D. (2005). *Histories of the Hanged: The Dirty War in Kenya and the End of Empire*. London: Weidenfeld & Nicolson.
- Berman, J., & Lonsdale, M. (1980). Crises of accumulation, coercion and the colonial state: the development of the labor control system in Kenya, 1919–1929. *Canadian Journal of African Studies/La Revue canadienne des études africaines*, 14(1), 55-81.
- Berman, B., & Lonsdale, J. (1992). *Unhappy valley: conflict in Kenya & Africa*. London: James Currey.
- Bernstein, H. (2010). *Class dynamics of agrarian change* (Vol. 1). Kumarian Press.
- Brett, M. (1976). The colonial period in the Maghrib and its aftermath: the present state of historical writing. *The Journal of African History*, 17(2), 291-305.
- Bruce, W., & Migot-Adholla, E. (Eds.). (1994). *Searching for land tenure security in Africa* (pp. x+282). Cabi Digital Library.
- Bruce, J. (2003). Property rights issues in common property regimes for forestry. *World Bank Legal Rev.*, 1, 257.
- Carayannis, T. (2015). CAR's Southern Identity: Congo, CAR, and International Justice. In T. Carayannis and L. Lombard (Eds.), *Making Sense of the Central African Republic*. London: Zed Books.
- Chepkemai, M. (2021). The Africa Inland Mission and the Education for Girls among the Kipsigis of the Kericho and Bomet Counties, Kenya, 1900-1945. In *Missionary Education: Historical Approaches and Global Perspectives* (vol. 1, p. 255). Leuven University Press.
- Chepkwony, J. (2026, July 15). Kipsigis clans renew fight for ancestral land occupied by multinational tea firms. *The Standard*. Retrieved from <https://www.standardmedia.co.ke/rift-valley/article/2001552871/kipsigis-clans-renew-fight-for-ancestral-land-occupied-by-multinational-tea-firms>
- Chesaina, C. (1991). Land tenure and communal practices among the Kipsigis: A historical perspective. *Journal of African Studies*, 8(2), 112-126.
- Clayton, A., & Savage, C. (2012). *Government and labour in Kenya 1895-1963*. Routledge.
- Duder, J., & Simpson, L. (1997). Land and murder in colonial Kenya: The Leroghi land dispute and the Powys 'murder' case. *The Journal of Imperial and Commonwealth History*, 25(3), 440-465.
- Ghai, Y. (1997). *Hong Kong's new constitutional order: the resumption of Chinese sovereignty and the Basic Law* (Vol. 2). Hong Kong University Press.
- Huntingford, B. (1953). *The Nandi of Kenya: Tribal Control in a Pastoral Society*. London: Routledge.
- Jerobon, R. (2021). *Tea Estates in Kericho: Enclaves of Economic Extraction and Social Control* (Master of Human Settlements, KU Leuven).
- Kanyinga, K. (2009). The legacy of the white highlands: Land rights, ethnicity and the post-2007 election violence in Kenya. *Journal of Contemporary African Studies*, 27(3), 325–344.
- Kenya Land Commission (1932). *Kenya Land Commission Report, 1932*. Kenya Land Commission.

- Kericho District, Protectorate of Kenya (1910). *Kericho District Property Registry, 1910*. Protectorate of Kenya.
- Kibwana, K. (2000). *Land tenure, land rights and land law in Kenya*. Nairobi: Claripress.
- Kimaiyo, J. (2004). *Ogiek Land Cases and Historical Injustices*. Ogiek Welfare Council: Nakuru, Kenya.
- Kipchumba, E., Sigei, G., & Cheruiyot, T. (2021). Colonial legacy and historical land injustices in Kenya: Implications for peacebuilding. *Journal of African Conflicts and Peace Studies*, 8(1), 45–62.
- Kitching, G. (1980). *Class and economic change in Kenya: The making of an African petite bourgeoisie, 1905–1970*. Yale University Press.
- Kothari, R. (2004). *Research methodology: Methods and techniques*. New Age International.
- Langat, C. (2018). Socio-economic effects of land displacement on Talai households living in Kericho township location, Kenya. *International Journal of Scientific and Research Publications (IJSRP)*, 8(10), 165-172.
- Lonsdale, J. (1994). Moral ethnicity and political tribalism. *Occasional Paper*, 131-150.
- Maini, M. (1967). *Land Law in East Africa*. Nairobi: Oxford University Press.
- Mamdani, M. (1996). *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton: Princeton University Press.
- Matson, A. (1974). *Nandi Resistance to British Rule, 1890–1906*. Nairobi: East African Literature Bureau.
- Muzondidya, J., & Ndlovu-Gatsheni, S. (2007). 'Echoing silences': ethnicity in post-colonial Zimbabwe, 1980-2007. *African Journal on Conflict Resolution*, 7(2), 275-297.
- Mwaura, F. (2007). *The legacy of colonial land policies in Kenya: A case study of the White Highlands and their impact on indigenous communities in Kericho County*. Nairobi University Press.
- Nandako, M. (2020). *Political ecology, marginalization, and indigenous food sovereignty interactions: the case of Ogiek indigenous people, Kenya* (Erasmus University Repository).
- Ndiema, W., Wekesa, W., & Oduor, I. (2024). The genesis of land-based violence in Mt. Elgon from the precolonial period to the postcolonial period. *Journal of History and Cultural Studies (JHCS)*, 3(1), 1-20.
- Ngeny, D. (1967). *The Kipsigis land tenure and use*. Nairobi, Kenya. East African Literature Bureau.
- Ngugi, W. (1986). *Decolonising the Mind: The Politics of Language in African Literature*. Portsmouth, NH: J. Currey.
- Ochieng, W. (1985). *An Economic History of Kenya*. Nairobi: East African Educational Publishers.
- Okoth-Ogendo, H. (1991). *Tenants of the crown: Evolution of agrarian law and institutions in Kenya*. African Centre for Technology Studies.
- Onalo, P. (1986). *Land Law and Conveyancing in Kenya*. Heinemann Kenya.
- Onwuzuruigbo, I. (2019). Land grab and conflicts in colonial Southeastern Nigeria (1830–1960). *Ubuntu: Journal of Conflict and Social Transformation*, 8(1), <https://hdl.handle.net/10520/EJC-166f7c2d39>
- Orchardson, I. (1961). *The Kipsigis*. East African Literature Bureau.
- Pearson, M. (1998). *Port Cities and Intruders: The Swahili Coast, India, Portugal in the Early Modern Era*. Baltimore, MD: John Hopkins University Press.

- Rutten, M. (1992). *Selling wealth to buy poverty: the process of the individualization of landownership among the Maasai pastoralists of Kajiado district, Kenya, 1890-1990*. Saarbrücken: Breitenbach.
- Rutto, S. (2014). *Historical Land Injustices Suffered by the Kipsigis Community*. A Memorandum Presented to the Task Force on Historical Land Injustices of National Land Commission (At Kericho town).
- Sorrenson, M. (1967). *Land Reform in the Kikuyu Country: A Study in Government Policy*. Oxford University Press.
- Sorrenson, M. (1968). *Origins of European Settlement in Kenya*. Oxford University Press.
- Swynnerton, R. J. M. (1954). *A plan to intensify the development of African agriculture in Kenya*. Nairobi: Government Printer.
- Toweett, T. (1979). *A Study in Kenyan Customary Law: With Particular Reference to the Kipsigis Customary Law*. Nairobi: Kenya Literature Bureau.
- Tuei, S. (1995). *Once Powerful Talai Clan*. Kericho: Ramaeli Publishers.
- Van Zwabenberg, P. (1975). Kenya's Primitive Colonial Capitalism the Economic Weakness of Kenya's Settlers Up to 1940. *Canadian Journal of African Studies/La Revue canadienne des études africaines*, 9(2), 277-292.
- Veit, P. (2019). Tanzania's ongoing experiment with wildlife management areas. *Gates Open Res*, 3(391), 391.
- Veracini, L. (2022). The predicaments of settler gastrocolonialism. In *'Going Native?' Settler Colonialism and Food* (pp. 247-259). Cham: Springer International Publishing.
- Wayumba, G. (2015). A historical review of land tenure reforms in Kenya. *International Journal of Scientific Research and Engineering Studies*, 2(1), 45-51.
- Wily, L. (2018). Collective Land Ownership in the 21st Century: Overview of Global Trends. *Land*, 7, 68; doi:10.3390/land7020068
- Wolf, R. (1974). *Britain and Kenya 1870-1930, the economics of colonialism*. Nairobi: Trans Africa Publishers Ltd.
- Zezeza, P. (1992). *A Modern Economic History of Africa*, Volume I. Dakar: CODESRIA.