# From ancestral land to colonial property: Land dispossession and rise of Bukusu land question in Bungoma and Trans Nzoia Counties, Kenya up to 1963

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## ABSTRACT

This research article reconstructed pre-capitalist Bukusu modes of production, colonial land dispossession and rise of land question among Bukusu of Bungoma and Trans Nzoia Counties, Kenya up to 1963. Before formal colonial establishment Bukusu lived in pre-capitalist modes of production that relied on land for crop cultivation, livestock keeping, hunting and food gathering. Formal British colonialism in the area led to articulation of these modes of production not only for subsistence but also for labour reproduction on settler farms. The introduction of colonialism led to the dispossession of Bukusu ancestral land rights and restructuring of land tenure systems. As a ramification of these transformative forces, the land question and landlessness became emerged. It was on this basis therefore that this research article undertook to examine colonial land dispossession and the rise of land question among Bukusu of Bungoma and Trans Nzoia Counties, Kenya up to 1963. This, ostensibly, was to bring into perspective this phenomenon that has been inadequately explored in the academic scholarship. This research article complemented articulation of modes of production and historical materialism theories. Articulation modes of production theory conceptualised how colonial dispossession of Bukusu ancestral land in Trans Nzoia and Bungoma Counties created the land question through change of pre-capitalist modes of production. Historical materialism on its part underscores how colonial control of land through enactment of land policies created the rise of the land question among Bukusu of Bungoma and Trans Nzoia Counties through changes in production forces and class formation. Being a qualitative study in nature, the study adopted historical research design. Secondary data from books, thesis and journal articles were collected and analysed thematically on the basis of this research article's objective. This research article established that the introduction of British Colonialism in Bungoma and Trans Nzoia restructured Bukusu pre-colonial modes of production. This led to restricted subsistence farming in African reserves and reproduction of labour on settler farms for capital extraction. The dispossession of their ancestral land rights altered their pre-colonial land tenure systems, leading to landlessness and rise of the land question. The research article recommended that pre-colonial land rights among Bukusu in Bungoma and Trans Nzoia Counties should be recognised and the community compensated for land loss and destruction of property during the colonial era.

**Keywords:** Bukusu, Bungoma, Land Dispossession; Land Question, Pre-Capitalist Modes of Production, Trans Nzoia

## I. INTRODUCTION

Bukusu, a Luhya sub tribe peopling Bungoma and Trans Nzoia Counties in Kenya were significant actors in the Kenyan political economy since the advent of colonialism (Kakai, 2000). Before settling in Bungoma and Trans Nzoia Counties they originated from Congo. From this point they made a trek to Misri before making a southerly movement into Kenya and western Kenya (Namunyu, 2019). In addition, they were one of the many Luhya sub-tribes peopling the defunct Western Province of Kenya. The other sub tribes included; the Banyore, Batiriki, Banyala, Batachoni, Bawanga, Bamarama, Bakisa, Banyang'ori, Bamaragoli, Bamarachi, Bakhayo, Baisukha, Basamia, Batsotso and Bakabras. Their population concentration extended across five counties which were; Bungoma, Busia, Trans Nzoia, Vihiga and Kakamega (Namunyu, 2020). There were pockets of Bukusu living in Counties of Trans Nzoia, Kakamega, Busia and Bungoma. Apart from Bukusu, there were other smaller sub-ethnic groups inhabiting Bungoma and Trans Nzoia Counties which included Tachoni, Kabras, Sabaot, Batura and Iteso, (Wafula, 1981).From the preceding, it was clear that Bukusu existed as a sub-ethnic group with Tachoni, Kabras, Sabaot, Batura and Iteso in their neigbourhood. These inter-ethnic relations were conflictual as well as experienced a great deal of cross fertilisation of cultures during the



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peacetime. The period of inter and intra pre-modern commerce and warfare facilitated the spreading of the art of circumcision, building of walled homesteads; adoption of age set system and iron working between Bukusu and her neighbours. The introduction of formal colonialism in Bungoma and Trans Nzoia Counties in 1895 led to restructuring of Bukusu pre-capitalism modes of production, land tenure systems and land relations. This as earlier mentioned created a dual economic system that embraced pre-capitalist modes of production and colonial capitalism. In particular, colonial dispossession of Bukusu from their ancestral land in Bungoma and Trans Nzoia Counties created the land question. Bukusu lost their ancestral land claims leading to landlessness, class formation, changes in land tenure and land use.It was on this basis therefore that this paper reconstructed pre-capitalist modes of production, colonial land dispossession and the rise of land question among Bukusu of Bungoma and Trans Nzoia Counties, Kenya up to 1963. It also underlined the Conclusions and recommendations arising from the primarily objectives this paper.

The idea behind this paper was not to reinvent the wheel but to fill a gap that remains a lacuna in the academia. Moreover, respective institutions of governance and policy formulation remain oblivious to these land issues by default or design at the expense of their far reaching ramification to the affected ethnic group. It was for these reasons, therefore, that pre-capitalist modes of production, colonial land dispossession and rise of land question among Bukusu of Trans Nzoia and Bungoma Counties constituted the main theme of this paper.

### 1.1 Research Objective

To assess pre-capitalist modes of production, colonial land dispossession, and the rise of land question among Bukusu in Trans Nzoia and Bungoma Counties up to 1963

## II. LITERATURE REVIEW

### 2.1 Theoretical Review

This research article complemented articulation of modes of production and historical materialism theories. Articulation modes of production theory put into perspective how colonial articulation of Bukusu modes of production in Trans Nzoia and Bungoma Counties created the land question. Historical materialism further underscored how enactment of land policies dispossessed as a means of production Bukusu of their ancestral land rights leading to creation of land question among Bukusu of Bungoma and Trans Nzoia Counties. The land question manifested through colonial production forces and land relations that emerged.

#### 2.1.1 Articulation of Modes of Production Theory

This research article complemented articulation of modes of production and historical materialism theories (Marx, 1964; Banaji 1990). An articulation mode of production was a post-Marxist theoretical explanation of how colonialism in Trans Nzoia and Bungoma restructured Bukusu pre-capitalist modes of production. These restructuring manifested through change of pre-capitalist modes of production through establishment of settler farming on alienated land and subsistence farming in designated African reserves. This was ostensibly for subsistence production among Bukusu for labour reproduction in settler farms and capitalism extraction by the colonial state. Proponents of the articulation of modes of production argued that capitalism only served to restructure pre-capitalist modes of production and does not in any case eliminate it. Key proponents of this theory include Pierre-Philippe Rey, Harold Wolpe, Claude Meillassoux, Louis Althusser and Jairius Banaji. Articulation mode of production as a theory was handy in contextualising how settler farming in Bungoma and Trans Nzoia Counties restructured Bukusu Pre-Capitalist modes of production (Namunyu, 2026b). But, how land was controlled and alienated through enactment of land policies leading to the rise of the land question among Bukusu of Bungoma and Trans Nzoia Counties through formation of land relations was insufficiently explained by this theory. It is for that reason that this research article complemented historical materialism with articulation of mode of production theory.

#### 2.1.2 Historical Materialism

Historical materialism theory was applied to fill the above gap. Historical materialism put into perspective how alienation of Bukusu ancestral land by the colonial regime led to the rise of the land question in Bungoma and Trans Nzoia Counties. Alienation of land as a means of production led to formation of social relations between land owners and the landless. These socio-economic cleavages contributed to the escalation of the land question in the area. Historical Materialism proponents included Karl Marx and Friedrich Engels. This research article therefore complemented articulation modes of production and historical materialism theories to give a holistic explanation of how social and economic forces interacted to shape Land Question among Bukusu in Bungoma and Trans Nzoia Counties up to 1963.



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### 2.2 Empirical Review

Land question was an emotional and a historically entrenched phenomenon in most communities globally, (Namunyu, 2024). Several studies in social sciences carried on this subject established that this is an age-old problem. Colonialism was found to have escalated this problem through land dispossession carried out to create room for settler farming Africa, Asia and America. The work by Ranathalika established that the land question as a problem in Sri-Lanka had its roots cause in colonialism. Tamil peasants' agitation overtime was about unjust historical land dispossession by the colonial regime. Post-Colonial governments overlooked their ancestral land claims and established a system that favoured Sinhalese instead (Ranathalika, 2014). The finding on the role of colonialism in shaping the land question was useful to this research article. However, the findings of this study could not be generalised in Bungoma and Trans Nzoia Counties. Oviasuyi study on Africa and ethnic conflict management: A comparative study of Nigeria and South Africa held that colonial regimes created the land question in Africa for political expediency (Oviasuyi, 2009). The findings that the colonial regimes created the land question as conscious tactic to sustain its exploitative system was significant to this research article. Nevertheless, these findings were biased to Nigeria and South Africa and therefore precluded Bungoma and Trans Nzoia Counties. Namunyu research on historical study of the land question in relation to inter-ethnic conflicts in Laikipia Area since 1895 established that the genesis of land question was colonial dispossession of Maasai, Samburu and Turkana land rights. Successive post-colonial government intensified the issue by resettling Agikuyu, Meru and Kisii. This led to the agitation of ancestral land rights in the area by Maasai and Samburu, (Namunyu, 2024). The findings on the colonial influence in rise of land question in Laikipia Area were important to the present research article. However, on how colonialism influenced the land question in Bungoma and Trans Nzoia Counties was a gap filled in this research article.

Arowosegbe's study on ethnic minorities and land conflicts established that the land problem between Hausa and Fulani in Nigeria was generated by colonial activities in the area. The land in question was donated by Traditional African leaders to the Royal Niger Company. That land remained unutilised since independence creating room for encroachment by both Hausa and Fulani. Both ethnic groups laid ancestral land rights claims on that land, (Arowosegbe, 2017). The findings on ancestral claims arising from colonial dispossession were useful to the present research article. Nonetheless, their application on Bukusu in Trans Nzoia and Bungoma Counties was a gap filled in this research article. Imbuye study argued that colonial dispossession of Sabaot and Bukusu pre-colonial land rights in Bungoma and Trans Nzoia Counties led to the rise of the land problem in the area. The study further established that the post-colonial regimes effort to resettle displaced Sabaot in Mount Elgon was overwhelmed with compensation cases making an otherwise critical exercise inconclusive. This was also further exacerbated by political machinations and land grabbing cartels who took advantage of this national exercise to pursue their selfish interests, (Imbuye, 2016). The findings on colonial influence, land grabbing cartels and political machinations to the land question in Mount Elgon were vital to the present research article; however the study drew its conclusions and recommendations on Sabaot in Mount Elgon. It therefore left out crucial literature on Bukusu in Bungoma and Trans Nzoia Counties a gap filled in this research article.

## III. METHODOLOGY

### 3.1 Research Design

This research article being qualitative in nature, applied a historical research design (Mugenda & Mugenda, 2003). The design included analysis of information from journal papers, theses and books about colonial land dispossession and rise of land question among Bukusu of Trans Nzoia and Bungoma Counties. It also involved interpretation of the trends and making generalisation based on this research article objective (Namunyu, 2024).

### 3.2 Study Area

The study area included two administrative Counties in Kenya post-colonial Kenya. Trans-Nzoia and Bungoma Counties were chosen because land alienation during the colonial era occurred in these areas which were predominantly inhabited by Bukusu (Namunyu, 2020; Kakai, 2000).

#### 3.2.1 Trans Nzoia County

Trans Nzoia County was one of the 17 Counties in the defunct Rift Valley in Kenya. It covered two thousand, four hundred and ninety five point five square kilometres. The County had a total of nine hundred and ninety thousand three hundred and forty one people based on Kenya National Bureau of statistics 2019. The County had five sub-counties namely Kiminini, Saboti, Chereng'ani, Endebess and Kwanza. The County bordered Uasin Gishu and Elgeyo Marakwet to the East. It was further neighboured by West Pokot to the North, (Kakai, 2000).



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### 3.2.2 Bungoma County

Bungoma was a County in the defunct Western Province with its headquarters located in Bungoma Town. It boasts of a population of about one million six hundred and sixty thousand five hundred and seventy as per the statistics from the Kenya National Bureau of Statistics 2019. Bungoma County has nine Sub-Counties named as follows; Kanduyi, Bumula, Webuye East, Webuye West, Mount Elgon, Kimilili, Tongareen and Kabuchai (Namunyu, 2020). Bungoma County covered three thousand and seventy four square Kilometres, (Kakai, 2000).

The altitude range of Bungoma and Trans Nzoia Counties was between one thousand, three hundred and seventy and one thousand, five hundred and twenty five metres above the sea level. One of the notable physical features in the area was Mount Elgon with an altitude of four thousand, four hundred and twenty metres. River Nzoia, Sio, Malakisi, Suam and Kamukuywa were part of the many rivers in these Counties with theor sources traced to Cherang'ani hills and Mount Elgon (Kakai, 2000; Namunyu, 2020). Trans Nzoia and Bungoma Counties were part of the Eastern Province of the British Protectorate in Uganda. This province was transferred to the British Kenyan Protectorate in 1902. It was later renamed Lake Province, Kavirondo and Nyanza Province (Imbuye, 2016).

### 3.3 Data Sources

This research article relied on secondary data from books, theses and journal articles on colonial land dispossession and the rise of the land question among Bukusu of Bungoma and Trans Nzoia Counties. This also included other related literatures that were reviewed to strengthen the authority of the present research article (Mugenda & Mugenda, 2003).

### 3.4 Data Analysis

Data from books, theses and journal articles on colonial land dispossession and rise of land question among Bukusu of Bungoma and Trans Nzoia Counties were analysed thematically on the basis of this research article objective (Mugenda & Mugenda, 2003).

### 3.5 Ethical Consideration

This research article observed standards and requirements of research ethics throughout its process. Sources of the analysed data were acknowledged. Bias and subjectivism was avoided through corroboration of secondary sources. All in-text citations were included in the reference lists.

## IV. FINDINGS & DISCUSSION

### 4.1 Findings

As variously stated land was a critical natural resource among African and by extension Kenyan peasants and wealthy landlords. Its use and relevance as a factor of production and reproduction permeated African and by extension Kenya's political economy during the pre-colonial era. The land question was contextualised in terms of how land was defined and how the problem of land was framed or presented (Ndege, 2012). In most cases, among these African societies, land was a factor of production and reproduction in their pre-capitalist modes of production. It was where communities regarded as home, burial and final resting places. It was widely interpreted to mean the dwelling places of ancestors and gods. In material sense it was viewed as immovable property. In a broad-based spectrum, land question in Africa, entailed land rights, social justice, and identity, sources of livelihoods and economic base of communities (Kanyinga, 2009).

Among Bukusu land during the pre-colonial era was acquired in the following ways; through conquest by wrestling it from Iteso, Sabaot, Tachoni and Kabras, it was also acquired through individual acquisition by clearing bushes and lastly land was also acquired through inheritance from grandfathers. Moreover, only men were allowed to own land. Regarding the question of land tenure, in spite of the land scape and ethnic diversity in Africa and Kenya in particular, pre-colonial land tenure was almost the same. But, in most cases, land was secured by a clan before it was distributed (Ndalilah, 2012). Most scholars agree that Bukusu clearly practised Communal land tenure systems.

In a broad perspective, pre-colonial era Bukusu had organised their forces of production including lands into communal ownership. Individuals therefore acquired land that had already been secured by their clans. Appropriation of land among Bukusu created social relations. As a communally owned natural resource its distribution was a responsibility that weighed heavily on the shoulders of the clan. However, those allocated land by the clan had limited rights. Thus, although land continued to be a customary property, the family plot was owned by the family and even this ownership finally passed into exclusive ownership of the head if the family. Polygamous families had land subdivided as per the number of wives the head of family had. Even if individual land tenure was embraced among Bukusu, it was restricted in the sense that a section of land was reserved for communal use (Nasimiyu, 1984). Individual land holding



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rights in the pre-colonial Bukusu will always attract divergent responses, but it should be noted that such land tenure shouldn't be wished away.

In addition, egalitarian land appropriation involved incorporating non-clan members to own land even though they were labelled as aliens. This in mind, therefore, landlessness as a concept was unheard of in the pre-colonial Africa in general and Bukusu society in particular. Even so, this research does not refute contrary responses to landlessness in the pre-colonial Africa (Shipton, 1984). Landlessness amomg Bukusu therefore was a colonial creation and a legacy that survived in the post-colonial dispensation due to the inability of the post-colonial regimes to resettle landless people. Bukusu land tenure system enabled women to access land. Girls ripe for marriage were given plots of land to cultivate. This happened as younger girls worked in the fields with their mothers (Nasimiyu, 1984). Land in the pre-colonial Bungoma and Trans Nzoia among Bukusu was categorised based on land use. The common categorisation included field for cultivation, salt licks for livestock, bush, forests and wilderness (Ndege, 2012).Grazing land *kamayilwe* and salt licks *bilongo* among Bukusu were held communally. Each clan set aside a substantial part of land for cattle grazing for the community as a whole (Ndalilah, 2012).

Access to land during the pre-colonial Bukusu was thus determined by dynamics like kinship, lineage, egalitarian and marriage. It was established a rudimentary technology was used to exploit land for crop farming. This technology was insufficient to exploit chunks of 'virgin' land; therefore marriage became a social institution of corporate labour through appropriation of women and children. Polygamy, in the economic sense, was based understood as an avenue for reproducing corporate labour in the pre-capitalist African setting (Butterman, 1977).

In most pre-colonial African settings including Bukusu, clans, sub-clans and families occupied known territories. In such established settings, clan elders were in charge of land distribution and redistribution (Namunyu, 2020). Land was a major factor of production and reproduction. It was exploited through corporate labour (Wagner, 1939). Polygamy became an institution that reproduced labour through accumulation of women and children. *Omwami we Pokoto*, determined the lands where the clan or clans settled among Bukusu. He was assisted in this duties by *Babami be Lichabe*, who manned gates in the forts. *Babami be Lichabe* allocated land within the gates they manned (Nasimiyu, 1984).

### 4.1.1 Colonial Articulation of Bukusu Pre-Capitalist Modes of Production Up To 1963

The colonial regime restructured to a considerably degree Bukusu pre-capitalist economy with the introduction of money economy and capitalist modes of production (Ndalilah, 2012). Pre-colonial land use witnessed a paradigm shift, as colonial authorities leased alienated Bukusu land in Bungoma and Trans Nzoia for settler farming. Cash crop, beef and dairy farming were introduced as land was set aside for plantation farming and ranching. In the colonial dispensation Bukusu continued in their pursuit for agricultural production which relied on the exploitation of land in *Kitosh* reserve. Moreover, in 1890, the British obtained ivory hunting rights in Mount Elgon from Bok leader Kirwandeet (Namunyu, 2020). Mount Elgon forest was gazetted as a forest reserve although the colonial government carried out logging of the rare indigenous species of trees in the forest. Land was also alienated for the construction of colonial administration centres, roads, schools and hospitals (Imbuye, 2016). Land use in Bungoma and Trans Nzoia Counties during the colonia era was therefore for hunting, forest reserve, construction of colonial administration centres, crop farming and animal husbandry.

### 4.1.2 Colonial Land Alienation and the Rise of the Land Question among Bukusu of Trans Nzoia and Bungoma Counties 1890-1963

The period before the establishment of British colonialism in Bungoma and Trans Nzoia, witnessed a bustling Bukusu economy that mostly relied on land. After clans had secured land, they built forts and shared communally land around forts. Landlessness was unheard of to an extent where foreigners within Bukusu were apportioned land along their boundaries with neighbouring ethnic groups. Ancestral land claims in this pre-colonial era arose from displacement during migration and settlement which formed the basis of the land question (Namunyu, 2020).

The Truth Justice and Reconciliation Commission (TJRC) gave a picture of the pre-colonial land tenure system in Kenya. Land proprietorship was customary and communal without any documentation proof of land holding. The clan was the sole body vested with authority to adjudicate over land matters. Private ownership of land therefore in pre-colonial Bukusu society was uncommon (Nang'endo, 1981). Although there were exception cases among Agikuyu where individuals bought land from food hunters and gatherers Gumba (Namunyu, 2024). This description mirrored the pre-colonial Bukusu land tenure system before the advent of colonialism.

During this period in 1883, Joseph Thomson became the first European to visit Bungoma through Mount Elgon. He named the Mountain Elgon (El Kony) after Kony subset of Sabaot. The naming of the mountain after Kony was construed by Bukusu as the first step of disinheritance them from their roots in Mount Elgon. The naming of the mountain after the Kony gave them a sense of entitlement and ancestral claim of land in Mount Elgon. This proposition ignited an age-old land question among Bukusu and Sabaot living in Bungoma and Trans Nzoia Counties. Bukusu's



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indigenous name for the mountain was Mountain Masaba named in honour of their ancestor (Namunyu, 2020). The historical fallacy orchestrated by Thomson on Mt. Elgon also included making outrageous assertions that caves in Mount Elgon were as a result of Egyptians art. However, this was dismissed by the findings of Ernest Gedge, Dr. Archibald D. Mackinnon, James Martin and Fredrick Jackson who validated the local narratives that these caves were products of volcanic eruptions/ natural process. Also, his observations were debunked as Eurocentric by Afro-centric historians (Makila, 1976).

The TJRC report outlined a historical trajectory of land reforms in Kenya that proved existence of customary and communal freeholds in the pre-colonial period. During the colonial era lease hold and freehold land tenure were enacted through a series of colonial land policies (TJRC report, 2013). The leasehold which benefited white settlers during the colonial regime dispossessed Bukusu of their ancestral land in Bungoma and Trans Nzoia Counties. Even if, land registration was carried out in 1959 ushering in freehold land tenure among Africans, this process was done without due regard to the pre-colonial land holding rights among Bukusu. The implication of this policy mistake was landlessness among those who missed out and ancestral land claims. These land issues intertwined to form the land question among Bukusu.

Besides new administrative structures that were erected by colonialists, new systems of land rights were also introduced by the colonial administration. This new dispensation therefore herald new land tenure systems that were inconsistence with the hitherto family, clan and communal centred land proprietorship system (Kakai, 2000). In a nutshell, the colonial regime enacted systematic policies aimed at alienating African land. As various stated, it was therefore imperative to note that land question among Bukusu was exacerbated by the colonial regime. This was done in blatant disregard of the pre-colonial land holding rights and ancestral land claims that arose from migration and settlement. These colonial land policies were legislated even before Kenya was declared a British protectorate in 1895.

Most of the colonial land policies that dispossessed Africans' land in Kenya were enacted between 1890 and 1940. In 1950's the colonial government tried to fix land issues among Africa and by extension Bukusu but since the policies disregarded traditional land customary rights it ended up escalating the land question in Africa. The earliest colonial land policy was in 1890, this was the foreign jurisdiction ratified to give Europeans a legal licence to negotiate, acquire land through commercial means or conquer East Africa to acquire land. As an import of this colonial land policy, Fredrick Jackson made an agreement with Kirwangindet Kimingichi of Bok to secure the area and by extension Bungoma under British influence. This agreement also gave British ivory hunting rights besides exploring land for settler farming in Mount Elgon (Namunyu, 2020).

To effectively establish colonial rule over Bukusu, in June 1890, Fredrick Jackson entered into a treaty with Namachanja *wa* Khisa of *Bakhone* clan among Bukusu (Kakai, 2000). To impress Africa across the continent, the British went to what can be termed as extreme limits. Having understood how the African culture highly regarded blood covenants as the most binding agreement, the British entered into such agreements with Africans to win their trust. In Kikuyuland for example Fredrick Jackson entered into a blood covenant with Waiyaki wa Hinga after he misconstrued him for a leader of the entire Kikuyu nation. That same misinterpretation was extended in Bungoma with Kirwandeet of Bok in 1890. Be it as it may, the British were mastering the art of deceit in this case. This according to their plan was to assure them fertile land and ivory hunting monopoly in Mount Elgon (Namunyu, 2020).

The East African Order in Council of 1898 permitted the commissioner in Trust to sell and lease land. This increasingly transferred African customary claim on land to the commissioner. This was done in anticipation for an influx of white settlers in the colony. In 1901, the East Africa Order in Council defined crown land. This provision gave His Majesty the prerogative to directly control public land that had been acquired through treaties, convections or agreements as crown land. Africans lost their land in East Africa that had been acquired by the Europeans treaties, agreements and conventions to the crown (Namunyu, 2020). This also included Bukusu land in Bungoma and Trans Nzoia Counties. As previously stated, Fredrick Jackson had entered into a treaty with Kirwandeet of Bok in 1890 and by the import of this policy the land in Bungoma and Trans Nzoia vecame crown land. Bukusu therefore forfeited their ancestral land rights to the crown.

In 1902, the commissioner promulgated the Crown Land Ordinance that stated that the commissioner could sell freehold estates in land, the ordinance stated the rights to land for African settlers and unoccupied land could be sold or leased (Nasimiyu, 1984). The laws exposed Bukusu land to foreigners and revolutionized land in Bungoma and Trans Nzoia Counties into a commercial enterprise at the mercy of the highest bidder (Wafula, 1981).

The Crown Land Ordinance was ground breaking for the getting hold of land by the commissioner who later granted white settlers portions of land in what was christened 'white highlands.' Land was sold at two rupees per acre or lease at a rental value of fifteen rupees per one hundred acres (Kakai, 2000). Part of Bungoma and the whole of Trans Nzoia Counties as earlier established were part of the 'white highlands' in Kenya. What followed was the eviction of Bukusu from the ancestral land in Bungoma and Trans Nzoia to establish settler farms. Chunks of land alienated from Bukusu was sold to white settlers for 6 pence per acre in 1908, 10sh per acre in 1912 and a single sterling pound later in Bungoma and Trans Nzoia (Namunyu, 2020). In 1904, the British introduced a policy to settle African natives on



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native reserves. These native reserves were formed on the basis of their ethnicity. They later became the administrative units known today as locations and districts. A Bukusu reserve *Kitosh* was established around modern day Bungoma and Trans Nzoia Counties. This reserve was split into North and South *Kitosh*. This was because Bukusu was infamously referred by their Kalenjin neighbours as *Kitosh* or *ketosh* meaning terrible ones. As a follow up to this land policy was the colonial decision in 1912 to establish a boundary to separate the Bukusu from European settlers in Trans Nzoia areas. Three land mark posts were placed along River Kuywa that year, (Imbuye, 2016).

In 1913, the colonial government recognized under the Crown Land ordinance African including Bukusu settlements as 'reserves' (Nasimiyu, 1984). As a consequence all Bukusu settlements in Bungoma became reserves. This provision restricted Africans in Kenya and Bukusu in particular in their present settlements (Namunyu, 2020). During this period, the Bukusu were uprooted from Trans-Nzoia to usher in settler settlement. Trans-Nzoia as earlier clarified extended to the present Bungoma County and the reaches of Uasin Gishu County. During the colonial era cotton, maize and coffee were introduced as cash crops by the colonial regime in Bukusu (Kakai, 2000). The emergence of the plough as a new technique in farming necessitated that more land was to be put under cultivation during the colonial era. Bukusu therefore exploited land in *Kitosh* reserve and other areas for crop farming. This was argued as a strategy by the colonial regime to reproduce labour in Africa reserves in order to sustain settler farming through capital extraction, (Namunyu, 2026b).

The Crown Land Ordinance of 1902 was revised in 1915 to incorporate crown land as land occupied by natives and land reserved by the governor for use and support natives. The 1915 crown Lands ordinance marked complete disinheritance of the native Kenyans from their land by colonial authorities. Europeans settlers were granted sales of such land held under individual tenure. The colonial administration advanced the concept of crown land to alienate Chunks of Bukusuland for settler farming. 1915 marked a turning point in Bukusu colonial history. The revision of crown land to include African reserves implied that Bukusu were rendered landless. In order to create settler farming in Trans Nzoia, which included parts of the present Bungoma County, Bukusu were alienated their land and put in *Kitosh* reserve (Namunyu, 2020). The problem of landlessness was introduced into Kenya by this sanction by extension among Bukusu. Land occupied by the indigenous communities became crown land. This is supported by Imbuye who writes;

"…ever since the court declared Africans as Tenants at will of the crown following the promulgation of the crown lands ordinance in 1915, the problem of land landlessness was born (Imbuye, 2016)."

This enabled the Europeans settlers to occupy chunks of fertile Highlands in Kenya. The white highlands incorporated Trans-Nzoia. Nevertheless, the boundary of colonial Trans Nzoia was different from its present size, by November 29th, 1912, Trans-Nzoia's westerly border line included a section of Bungoma, Lugari, and Mt. Elgon and Uasin Gishu districts. The area from the source of River Kamukuywa which surfaced from Mt. Elgon forest, through River Kibisi and Nzoia inter-section to River Kipkaren on the reaches of Marabusi hills.

TJRC report indicates;

As the British colonial administration forced Africans into reserves purposely designated in marginal and unproductive areas which were also very limited in size considering the numbers of individuals' community members and the likely increase in their population, they took over African communities land and the land left behind then formed part of the crown land (TJRC, 2013).

Even if, Bukusu were given land in reserves and other specified areas as dictated by the colonial land policy framework their exploitation of these land was restricted by law. The state of affairs persisted during the colonial era up to 1950's (Nasimiyu, 1984). It was also argued widely that the colonial regime rendered Bukusu Squatters in order to create a source of cheap labour (Kakai, 2000). This was done in anticipation of an influx of white settlers in the Kenyan highlands.

The Squatter Labour Policy/Resident Native Labourers Ordinance of 1918 revised 1925 and 1937 allowed Bukusu to settle on settler farms in Trans Nzoia in exchange of their labour (Namunyu, 2024). This also created land problem in Trans Nzoia among Bukusu. Some of these people were not resettled after independence forcing thaw and their descendants to squat along the rail line in Kitale.

The Kenya Annexation Order in council of 1921 and Kenya Colony Order Council of 1921 took away all native land rights to the crown as condemning them as tenants at the will of the crown. This augmented European settlement in Kenya. In addition, between the years 1921 and 1922, part of Bungoma and Trans Nzoia were gazetted as crown land. The impact of this colonial policy was expulsion of Bukusu from crown land in Bungoma and Trans Nzoia. Many became landless and with the burden of taxes and social responsibility weighing heavily on their shoulders. As a result most of them were forced to offer labour on settler farms for survival (Namunyu, 2020).

In 1938, the Native Land Trust Ordinance was enacted following the recommendation the Carter Commission. Superficially, the provision was to resettle Africans that had been dislocated through forceful eviction (Ghai, 1970). The Bukusu despite being victims of colonial land alienation and displacement were not listed as beneficiaries. The beneficiaries included Maasai, Kikuyu, Meru, and Kamba among others (Leo, 1984).



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The Sweynnerton plan was conceived by the assistant Director of Agriculture R.J.M Sweynnerton in 1954. It was designed in concept and practice to include Africans into mainstream farming in Kenya. Further, it was tailored to fix soil degradation, overcrowding in the reserves and landlessness among African in Kenya (Namunyu, 2020). As a consequence of the Sweynnerton plan, land holding rights were individualised in favour of male heads of households. The pre-colonial land holding rights for Africans were blatantly disregarded by the colonial regime, a policy mistakes the post-colonial regime (Nasimiyu, 1984). It can also be argued that even after implementing the provisions of the Sweynnerton plan, landlessness was not solved among Bukusu. Those who were left out in land registration in former African reserves were worse off. This was because land was their only factor of production in this agrarian society. It was very clear that this plan was implemented in a way that was oblivious to the pre-colonial customary land holding rights as widely expected by Bukusu who had suffered massive land alienation at the outset of colonialism.

The land registrations in Kenya in 1959 invalidated and decimated existing African customary land rights at the detriment of the affected communities. The land control ordinance remained limited in the exclusive white highlands. The colonial land policies steadily displaced Bukusu from their ancestral land in Bungoma and Trans Nzoia Counties; the communities lost their customary rights over land just as they were displaced to new areas. Post-colonial regimes later commercialised access to this land leading to formation of inequalities between land relations between land owners and landless people (Namunyu, 2026a).

It should also be noted that the colonial administration in the present Bungoma County appointed mainly Bukusu chiefs to rule over Teso, Sabaot, Tachoni, Tura and other ethnic groups in the area. In Mount Elgon in particular, Bukusu chiefs like Stefano, Jonathan Barasa and Jeremiah Kukubo aided Bukusu to register land in Mount Elgon area at the expense of Sabaot and Teso (Namunyu, 2020). Moreover, during the authoritarian colonial leadership of Chief Murunga the brother to King Nabongo Mumia who reigned as chief of North *Kitosh* (modern Mount Elgon Area) as from 1908, Bukusu moved and occupied land in Mount Elgon area. Sabaot, who had suddenly decided to spot dreadlocks as an anti-colonial innuendo, were brutally flogged in public and hair shaved. Most of them flee to Mount Elgon leaving vacant land and homes. As frightened Sabaot were fleeing Bukusu moved in and occupied their unoccupied homes and land (Imbuye, 2016).

Bukusu were also occupied Sabaot land in Mount Elgon area left vacant by legendary Sabaot elder named Korus and his followers. Korus was a Kony elder who left Mount Elgon area in protest following a misunderstanding with his kinsmen. He moved and settled in Tran Nzoia before he resettled to Uganda (Namunyu, 2020).These have remained reasons why Sabaot laid claim on ancestral land rights in Mount Elgon Area. Something Bukusu refute vehemently insisting that they first settled in the area before Sabaot during the pre-colonial population movement and settlement.

At the tail end of colonialism in Kenya and by extension Bukusu, the regime tried insignificantly to solve the land question. This was through the Sweynnerton plan, land registration and settlement schemes like the one million acre schemes. These programmes failed entirely because they did not to address the pre-colonial land holding rights (Namunyu, 2024). Be it as it may, Bukusu were not settled in Trans Nzoia or Bungoma owing to their ancestral land claims. Instead, they were compelled to buy land in Trans Nzoia through the land buyout policy adopted by Jomo Kenyatta regime. In a nutshell, therefore, colonial land policies in Trans Nzoia and Bungoma Counties dispossessed Bukusu peasants from their ancestral land. It also created class relations among Bukusu with the emergence of land owners and landless people. The land policies also reinforced Sabaot ancestral land claims in Mount Elgon and Trans Nzoia over Bukusu and vice versa. This formed what was commonly known as the land question among Bukusu of Bungoma and Trans Nzoia Counties.

## V. CONCLUSION & RECOMMENDATIONS

### 5.1 Conclusion

Colonial land policies in Trans Nzoia and Bungoma Counties not only dispossessed Bukusu peasants of their ancestral land but also created class relations and restructured labour relations based on land ownership . There arose a class of land owners and landless people. The land policies also reinforced Sabaot ancestral land claims in Mount Elgon and Trans Nzoia over Bukusu. This also formed what was commonly known as the land question among Bukusu of Bungoma and Trans Nzoia Counties. Bukusu in general lost their land, cultural heritage, ecology and economy at the behest of the British colonial rule in Trans Nzoia and Bungoma Counties. European settlers established plantation agriculture on Bukusu land without their formal consent. In addition, Bukusu contributed significantly to the colonial economy at the expense of their own economic progress.

### 5.2 Recommendations

The significant contribution of the Bukusu to the colonial economy should be recognized. The British government should consider in the future compensating the community for the trauma they underwent through during this period. Their labour was forced labour rendered with meagre pay. Their most fertile land was alienated as they were



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restricted to the unproductive soils in *Kitosh* reserve. Their collective production as a community for over seventy years was constrained. Bukusu ancestral land rights in Bungoma and Trans Nzoia Counties should be recognised and landless Bukusu in Trans Nzoia resettled by the Kenyan state.

**Declaration of Interest**

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