A cry for justice by "invisible squatters"

– Colonial legacy, local democracy, and the quest for

human rights in land dispossession by Kakuzi PLC in

Makuyu, Murang'a County, Kenya

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Acknowledgments

Preface

This thesis delves into the intricate realities of land dispossession and the lived experiences of marginalized communities in post-colonial contexts. My motivation for undertaking this research is shaped by familial narratives and reflections that have significantly influenced my understanding of these pressing issues.

Growing up in Kenya, I was often captivated by my father's stories about the colonial legacy and its lasting impact on our community. These narratives ignited my curiosity about the historical forces underpinning social inequalities and instilled in me a sense of duty to engage with these topics academically. Recently, during my fieldwork in Kenya, I sought further insights from my mother, who vividly recounted how the colonial regime appropriated land from indigenous peoples to establish plantations and ranches. Her memories illuminated the stark realities faced by local communities, offering me a deeper appreciation of the historical injustices that continue to echo today.

Pursuing a master's degree in Ethnic and Migration Studies has equipped me with the theoretical frameworks necessary to analyze these narratives within broader discourses of colonialism, migration, and social justice. This interdisciplinary education has enabled me to critically engage with the complexities surrounding land ownership and displacement, reinforcing the need to examine these issues from multiple perspectives.

In this thesis, I aim to illuminate both the historical and contemporary dynamics of land dispossession, emphasizing the value of indigenous knowledge and perspectives. By integrating these viewpoints into the discussion, I hope to contribute to a more comprehensive understanding of the socio-economic and political contexts affecting marginalized communities.

As I present the findings and discussions that emerged from my research, I invite readers to engage with this work thoughtfully. Through this exploration, I aspire to foster a nuanced understanding of the factors at play in land disputes and the lived experiences of those affected. Ultimately, I hope this study will enhance academic discourse and provide valuable insights for policymakers and practitioners working towards addressing land rights and promoting social equity.

Abstract

This thesis examines the enduring impact of colonial legacies on local democracy and human rights concerning land dispossession in Makuyu, Murang'a County, Kenya, focusing on the experiences of 'invisible squatters' affected by Kakuzi PLC. Through the lens of decolonization and post-colonial thinking practices theories, the research reveals that historical injustices rooted in colonial land policies continue to influence socio-economic conditions and the rights of marginalized communities. The findings indicate that local governance plays a crucial role in addressing land rights and facilitating dialogue between affected communities and corporate entities. The study highlights the importance of recognizing the agency of 'invisible squatters' and emphasizes the need for policy reforms that acknowledge their land claims. Ultimately, this research contributes to a deeper understanding of how decolonization efforts can be effectively applied to contemporary land issues in Kenya, offering insights into the complexities of human rights in a post-colonial context.

Key words: Colonialism, Decolonization, Local Governance, Intergenerational Trauma, Indigenous Knowledge, "Them" and "Us", Migration, Kakuzi, Muranga, Kenya.

List of Acronyms and Abbreviations

NLC: National Land Commission

KPLC: Kakuzi PLC

NGO: Non-Governmental Organization

HRD: Human Rights Defenders

UN: United Nations

PLC: Public Limited Company

KHRC: Kenya Human Rights Commission

SDG: Sustainable Development Goals

OHCHR: Office of the United Nations High Commissioner for Human Rights

ECOS: European Coalition on Oil in Sudan

USAID: United States Agency for International Development.

SOMO: Center for Research on Multinational Corporations

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In the shadows of the past, where stories hide,

Land whispers of loss, and we feel the tide.

Colonial hands reached out, taking what's ours,

Yet roots run deep, and our spirit still towers.

Invisible squatters, brave and strong,

Injustice stays, but we sing our song.

We have the sky, but not the land,

Searching for justice, together we stand.

By Esther Bohman

CHAPTER 1

1.1 Introduction and Background

In the heart of Murang'a County, Kenya, a protracted battle for justice unfolds, resonating with the echoes of historical injustices, colonial legacies, and the tremendous influence of corporate entities (Ndlovu-Gatsheni, 2021; de Leeuw, 2020). The focal point of this struggle is Kakuzi PLC, a corporate giant whose extensive land leases of 999 years not only signify economic activity but also embody a contentious history of dispossession and deprivation endured by marginalized communities.

The landscape of Murang'a County bears witnesses to the intricate interplay of power dynamics, where the legacy of colonialism intersects with contemporary struggles for land rights and justice. Against this backdrop, communities find themselves entangled in a complex web of historical grievances, socio-economic disparities, and the formidable influence of corporate interests (Ndlovu-Gatsheni, 2021; de Leeuw, 2020).

1.1.1 The History of Murang'a and Decolonization by Kakuzi PLC

Murang'a County located 65 kilometers northeast of Nairobi Cornel, (2024) is historically known as Fort Hall during the colonial era (Abiri Kenya, 2024. During my visit to the Kenya Archives, I successfully traced a file titled "Fort Hall," which contained records of various British administrators and details of their activities. Please refer to *Figure 1* below for more information. Muranga holds a significant place in Kenya's struggle for independence and land rights. This region was a key center of British colonial activity, largely due to its fertile lands and strategic location in central Kenya. British settlers, eager to expand their agricultural enterprises, established Fort Hall as an outpost to consolidate control over the rich, arable lands. The indigenous Kikuyu community, the dominant ethnic group in the area, bore the brunt of this expansion (Abiri Kenya, 2024) Thousands of Kikuyu were forcibly driven from their ancestral lands, confined to overcrowded reserves, and subjected to oppressive colonial policies that disrupted their livelihoods and social structures. These conditions sparked significant resistance, culminating in the Mau Mau Uprising of the 1950s, a pivotal movement aimed at reclaiming land and securing independence from British rule (Abiri Kenya, 2024)

The dispossession experienced in Murang'a was not an isolated event but part of a wider colonial strategy to seize land for the benefit of European settlers (de Leeuw, 2020). One of the most notable examples of this colonial agenda was the establishment of Kakuzi PLC, an agricultural company founded in 1906. Initially a sisal plantation, Kakuzi took advantage of Murang'a's vast fertile lands, gradually expanding its operations to include other lucrative cash crops such as coffee, tea, avocados, and macadamia nuts. The company's growth was fueled by the consolidation of European settler farms and by leasing more land from the colonial government. This further entrenched the dispossession of indigenous communities, particularly the Kikuyu, who were rendered landless as Kakuzi's control grew (de Leeuw, 2020).

Kakuzi's trajectory reflects the broader patterns of settler colonialism, in which large agricultural enterprises flourished by exploiting indigenous labor and appropriating local lands. Even after Kenya achieved independence in 1963, Kakuzi retained control of vast tracts of land 32,900 acres in Murang'a (Cornel, 2024). Post-independence governments extended the leases to 999 years in 1966 during the Kenyatta President regime that allowed the company to continue operating on the same lands seized during the colonial period. As a result, the economic marginalization of indigenous communities persisted, with many local families remaining squatters on what had once been their ancestral homes (de Leeuw, 2020).

In the present day, Kakuzi's operations are still a source of contention. The company has been embroiled in legal battles concerning allegations of human rights abuses, including accusations of violence, intimidation, and exploitation against local communities. In 2020, Kakuzi's parent company, Camellia PLC, was sued in London for its alleged involvement in these abuses, casting a spotlight on the ongoing issues of land ownership and corporate misconduct in Murang'a (de Leeuw, 2020). Despite legal and political changes over the decades, the legacy of colonial land dispossession remains a central issue in Murang'a County, as the fight for land restitution and justice continues among marginalized communities.

My fieldwork for this study was based in Makuyu, a subregion of Murang'a County where Kakuzi PLC operates. It was conducted with the support of the International Centre for Local Democracy (ICLD), as part of its partnerships with Murang'a Municipality in Kenya and Upplands-Bro in Sweden (details of this collaboration are on the ICLD's website here).

The map of Kenya (below), highlights Murang'a County and specifically the locations of Kakuzi PLC plantations. The map features red dotted circles indicating the marginalized communities where my field study was conducted, namely Gathungururu and Gachagi. These areas represent the experiences of various communities that share a similar history of land dispossession by Kakuzi PLC, dating back to colonial times.

https://www.somo.nl/the-people-vs-kakuzi/
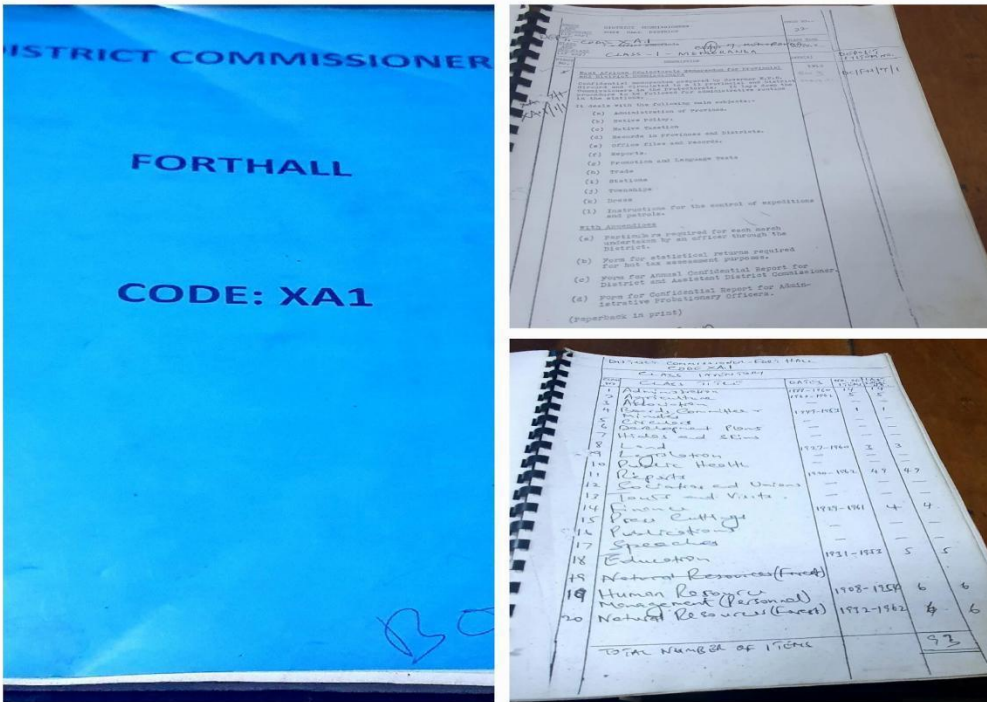
Figure 1: **Photos of a file with some of the Fort Hall District Administration details**

1.1.2 Contribution to the Field of Ethnic and Migration Studies

This thesis contributes to the field of Ethnic and Migration Studies by examining the impact of colonial land dispossession in Kenya on forced migration and the formation of marginalized ethnic identities. By focusing on the experiences of the Kikuyu and other indigenous groups displaced by Kakuzi PLC's landholdings, I explore how colonial policies continue to shape contemporary ethnic relations and land struggles. I analyze how forced migration disrupted traditional ethnic affiliations, resulting in the emergence of new identities shaped by shared experiences of dispossession and resistance. This perspective enhances the understanding of how historical injustices influence current ethnic configurations and exacerbate inter-ethnic tensions (Tlostanova & Mignolo, 2012). Utilizing decolonization and post-colonial thinking practices theories, I present a theoretical framework that explains the ongoing effects of land-related historical injustices on migration patterns, ethnic identities, and socio-economic inequalities, while also addressing issues of corporate accountability and social justice.

1.1.3 Relevance to Local Democracy

This study provides insights into local democracy in Makuyu, Murang'a County, by examining how transparency, accountability, and inclusiveness in local governance impact land-related decisions for marginalized communities, particularly the "invisible squatters." I investigate whether current governance practices facilitate or obstruct equitable land distribution and resource access, revealing democratic deficits at the local level. The study identifies areas for policy reform and conflict resolution mechanisms aimed at enhancing social cohesion and trust in local institutions. It discusses the importance of improving community participation and representation in land governance. Additionally, the research aligns with the United Nations Sustainable Development Goals (SDGs), particularly SDG 10 (Reduced Inequalities) and SDG 16 (Peace, Justice, and Strong Institutions), by highlighting the need for institutional reforms that address historical injustices and promote inclusive governance. This contributes to the broader discourse on creating more equitable societies (United Nations, 2023).

1.1.4 Defining 'Invisible Squatters'

In this study, I refer to marginalized individuals as "invisible squatters" to emphasize their exclusion from formal legal recognition and decision-making processes. Despite having lived on the land for generations, these individuals remain unseen by local governance and legal systems, lacking formal land titles or state protection. This term captures their precarious situation, wherein the community acknowledges their existence, but state and corporate powers consistently ignore them.

By using the term "invisible," I highlight the layers of social and political marginalization that these individuals endure in their struggle for land rights. This notion resonates with Ralph Ellison's *Invisible Man*, which illustrates how systemic racism renders marginalized individuals invisible (Sheoran, 2024). These insights deepen my understanding of the complexities surrounding "invisible squatters" and their fight for recognition and justice.

1.2 Structure of the Study

My thesis follows this structure: **Chapter 1: Introduction** provides background, defines key terms like "invisible squatters," and outlines my research objectives. **Chapter 2: Literature**

Review covers colonial legacies, land dispossession, indigenous knowledge, and corporate accountability, focusing on Kakuzi PLC. In **Chapter 3: Key Theories**, I introduce decolonization and anti-colonial theories. **Chapter 4: Methodology** explains my research design, including the philosophy of science, ethnographic methods, and data analysis. **Chapter 5: Marginalized Squatters** examines the historical impact of land dispossession and indigenous resistance. **Chapter 6:** Human Rights Defenders and the Court Case: Kakuzi PLC vs. the Marginalized Squatters. It analyzes the role of the Human Rights Defenders and the legal battles between Kakuzi PLC and the squatters and in Chapter **7:** Democracy, Local Governance and Academic Scholar. It explores the role of governance in land disputes and Kakuzi's practices. Finally, **Chapter 8: Conclusion** summarizes key findings, discusses implications, and provides recommendations for future research and directions

1.3 Research Problem

In this study, I address the persistent marginalization and socio-economic challenges faced by the communities I refer to as "invisible squatters" in Makuyu, Murang'a County, Kenya. These challenges stem from the historical legacies of colonial land dispossession, inequitable local governance structures, and the actions of corporate entities like Kakuzi PLC. Despite Kenya's constitutional commitment to equitable land distribution and the protection of human rights, these communities remain disenfranchised, struggling with limited access to land, socio-economic opportunities, and justice. My aim is to explore how the intersecting factors of colonial legacies, governance, and corporate practices perpetuate systemic inequalities and undermine the rights and well-being of these marginalized groups.

1.4 Research Gap

After reviewing the existing literature, I found that while numerous studies explore land dispossession in Kenya, they primarily focus on broader historical trends or generalize the challenges faced by landless populations. The specific experiences of marginalized communities, such as the "invisible squatters" in Makuyu, are often neglected. Additionally, there is limited research on the interplay between historical colonial land policies, local governance frameworks,

and corporate actions, particularly the role of Kakuzi PLC, in shaping the socio-economic conditions and land rights of these communities. Moreover, the literature frequently lacks an in-depth exploration of how these affected groups navigate their struggles for justice within Kenya's evolving legal and policy frameworks. Few studies center the voices and agency of these communities, leaving a critical gap in understanding their lived realities and efforts to reclaim their rights.

This study seeks to address these gaps by providing a nuanced analysis of how historical, political, and corporate dynamics intersect in the context of Makuyu. I aim to shed light on the unique challenges faced by the "invisible squatters" and contribute to a broader understanding of how colonial legacies and contemporary governance practices perpetuate land-related injustices, while also examining the pathways these communities pursue to achieve justice and human rights.

1.5 Aim of the study

The aim of this study is to critically examine the complex relationship between colonial land dispossession, local governance, and corporate involvement, and how these factors influence the land rights and socio-economic conditions of marginalized communities, referred to as "invisible squatters." The study explores the historical legacies of land dispossession in Makuyu and how local governance structures, such as policies and democratic processes, shape the well-being and land access of these communities. Additionally, it investigates the role of Kakuzi PLC, a major corporate landholder, in the ongoing struggles for land rights, social justice, and human rights of these "invisible squatters," aiming to shed light on the challenges they face in seeking justice and reclaiming their rights to land.

1.6 Research Questions

The study is guided by the following research questions:

1. How do the historical legacies of land dispossession in Makuyu, Murang'a County, shape the socio-economic conditions of the "invisible squatters"?

2. In what ways does local governance influence the land rights and overall well-being of the "invisible squatters" in Makuyu?

3. How does Kakuzi PLC's involvement in land issues impact the land rights and social justice of the "invisible squatters" in Makuyu?

1.7 Historical and Cultural Context of Kenya

I will delve into the history of Kenya to understand its complex cultural landscape, shaped by the diverse indigenous communities that have inhabited the region for millennia. Situated in East Africa, Kenya's history predates colonial rule and reflects a rich tapestry of cultural, social, and economic practices. The Swahili people, who historically occupied coastal Kenya, developed advanced trade networks with the Indian Ocean region, while the Mijikenda established fortified villages (kayas) that became cultural and spiritual centers (Willis, 1993). These indigenous communities, alongside others such as the Kikuyu, Luo, and Luhya, engaged in diverse socio-economic activities including pastoralism, agriculture, and long-distance trade, creating robust societies with intricate political systems (Ogot, 1995). Kenya's ethnic diversity, characterized by over 40 distinct groups, enriched its cultural heritage but also became a source of tension, especially as colonial and post-colonial policies exploited ethnic divisions to entrench control and power (Anderson, 2005).

Kenya occupies a strategic location, bordered by the Indian Ocean to the southeast, with Somalia lying to its northeast and Tanzania to its south. Covering a total area of 580,367 square kilometers, Kenya's landmass spans 569,140 square kilometers, with water bodies occupying 11,227 square kilometers. As of the latest estimates, Kenya's population stands at approximately 58,246,378 people. The ethnic composition of the population is diverse, with the largest ethnic groups being the Kikuyu, Luhya, Kalenjin, Luo, and Kamba. English and Kiswahili serve as the official languages, while numerous indigenous languages are also spoken across the nation, reflecting its linguistic diversity and heritage (Central Intelligence Agency, 2021; World Population Review, 2024)

1.8 Colonial Legacies and the Struggle for Land Rights in Kenya

In this section, I examine how colonialism in Kenya shaped contemporary struggles for land rights among indigenous communities. By exploring the dispossession of land and the disruption of traditional governance, I aim to present how colonial policies created lasting socio-economic inequalities that persist today. I will also discuss how colonial legacies continue to influence Kenya's post-independence political landscape, particularly in the fight for land restitution and social justice.

British colonial rule in Kenya fundamentally reshaped the country's social, political, and economic landscape, particularly through its contentious land ownership and distribution policies. The onset of this colonial administration can be traced back to the late 19th century, particularly following the Berlin Conference of 1884-1885, which formalized the partitioning of Africa among European powers. This event catalyzed the assertion of control over the African continent, leading to the establishment of colonial administrations across various regions, including Kenya (Ndege, 2009: 2). In Kenya, the process of colonization began in earnest with the British East African Company being granted a charter in 1888 (Editorial Team, 2020). The British settlers established a foothold in the region, facilitated by the construction of the Uganda Railway, which connected the Kenyan coast to the interior, opening up new areas for European settlement and exploitation (Ndege, 2009).

One of the most significant aspects of this administration was the dispossession of indigenous communities from their ancestral lands. Using a combination of coercion, fraud, and outright violence, British authorities forcibly evicted these communities from their homes and confined them to overcrowded "native reserves." These reserves were often inadequate for the populations they housed, leading to increased hardship and poverty (Editorial Team, 2020). The land taken from indigenous peoples was then allocated to European settlers and colonial elites, who established large-scale plantations and ranches focused on agriculture and livestock farming. This process stripped the indigenous populations of their means of livelihood and entrenched economic inequalities and social dislocation, resulting in widespread displacement and fueling resentment against colonial encroachment (Ndege, 2009; Anderson, 2005).

Colonial military expeditions aimed at suppressing resistance also resulted in genocides and forced migrations among various communities, including the Agikuyu, Abagusii, Nandi, Ababukusu, and Giriama. These violent campaigns undermined indigenous sovereignty, as colonial authorities replaced traditional leaders with British-appointed collaborators under the guise of indirect rule. While this system promised to respect local governance, it eroded traditional power structures and facilitated further exploitation (Ndege, 2009: 3).

In the post-colonial era, the struggle for land rights and restitution has remained a central theme in Kenya's political landscape. Despite the attainment of independence in 1963, the promises of land reform have often fallen short of addressing the root causes of historical injustices (de Leeuw, 2020). Powerful vested interests, including multinational corporations and politically connected elites, have continued to wield disproportionate influence over land and resources, perpetuating patterns of dispossession and marginalization. This legacy of colonial injustice casts a long shadow over regions like Murang'a County, where communities continue to grapple with the repercussions of historical dispossession.

CHAPTER 2 LITERATURE REVIEW

2.1 Introduction

In this chapter, I review the literature relevant to understanding land dispossession in Makuyu, Murang'a County, Kenya, focusing on Kakuzi PLC. As I explore the issue of land dispossession, I encounter recurring themes in post-colonial studies that emphasize how colonial powers enforced exploitative land-use policies, deeply depreved indigenous populations. The themes reviewed include Colonial legacies and historical injustices, Local Democracy and Land Governance and Corporate Accountability and Human Rights. These themes will be conceptualized with the theories of decolonization and the anti-colonial thinking practices in *Chapter 3* below The Notion of 'Them' and 'Us,' Indigenous Knowledge will be reviewed as subthemes. In the context of Makuyu, Murang'a County, Kenya, I recognize that the long-standing impacts of colonial land alienation continue to shape the lives of marginalized individuals, whom I refer to as "invisible squatters." These squatters, who endure generational land deprivation, struggle for recognition and justice, especially in the face of powerful corporate Kakuzi PLC. This chapter provides an overview of relevant literature that informs my understanding of the historical legacies of land dispossession, the role of local democracy in land rights, and the intersection of corporate accountability and human rights.

Before conducting my fieldwork in Makuyu, I carried out a review of existing literature in Linköping University Library, Kenya National Library, Nairobi University Library, and Kenya National Archives. While the Kenya National Archives provided valuable historical documents, some critical files related to Kakuzi PLC had mysteriously disappeared, limiting my access to complete archival information. Despite these challenges, the materials reviewed helped me contextualize Kakuzi PLC's land ownership within Kenya's broader post-colonial struggles over land rights and governance.

2.2 Colonial Legacies and Historical Injustices

The colonial legacy in Kenya, particularly regarding land dispossession, has left a lasting imprint on the socio-economic landscape of the country. British colonial rule, which began formally in 1895 with the establishment of the East Africa Protectorate, implemented policies that resulted in

widespread land alienation (Kieyah and Mbae-Njoroge, 2010: 3). Key legal frameworks, such as the Crown Lands Ordinance of 1902 and 1915, allowed for the expropriation of vast tracts of land, effectively dispossessing indigenous communities (Sorrenson, 1968). These policies facilitated the creation of the "White Highlands," where fertile lands were allocated to European settlers, while indigenous populations were forcibly relocated to less productive reserves (Kanyinga, 2000: 9-10).

The work of Frantz Fanon (1963) and Kwame Nkrumah (1965), offers critical insights into how colonial policies were more than just economic tools—they were also mechanisms of social and psychological control. Fanon's analysis of colonialism as a violent force that strips indigenous populations of their land, culture, and dignity resonates with the experiences of displaced communities in Makuyu. Kakuzi PLC, originally established as a sisal plantation during the colonial period, directly benefited from these policies by acquiring large tracts of land in Murang'a County.

Kwame Nkrumah's (1965) insights of neo- colonialism and the dynamics of postcolonial societies like Kenya are particularly relevant for my examination of land dispossession in Makuyu because they highlight how economic power structures can replicate colonial patterns of exploitation. His assertion that "the forces of neo-colonialism prevent the African people from achieving true independence" reflects the reality faced by many marginalized communities today, as they contend with the legacy of colonial land alienation and the ongoing influence of powerful corporations.

Moreover, Ngũgĩ wa Thiong'o's perspective in *Decolonising the Mind* (1986) complements Nkrumah's argument by emphasizing the cultural effects of colonialism. He notes that colonial land alienation not only disrupted indigenous governance structures but also severed the spiritual and cultural ties communities have with their land. This disconnection is critical to understanding why the struggle for land in Makuyu transcends economic survival; it is also about reclaiming identity and autonomy. The Swynnerton plan Kanyinga (2000) was introduced during the colonial period to formalize land ownership through titles, further exacerbated inequality. By promoting private land ownership, it concentrated land in the hands of a few elites, deepening the divide between landowners and landless communities, a pattern that persists in the case of

Kakuzi PLC today (Kanyinga , 2000). The experience of Mombasa's land dispossession during the colonial period parallels the situation in Murang'a. In Mombasa, indigenous Swahili communities were displaced from the coastal strip to make way for European settlers and infrastructure development (Kanyinga , 2000). This not only severed economic ties to land but also disrupted historical social and trade networks, leaving the local population economically marginalized, much like the Kikuyu people displaced by Kakuzi PLC.

2.2.1 The Notion of 'Them' and 'Us'

In reviewing the literature of land dispossession and the broader context of colonialism, I find that the divide between "them" and "us" plays a central role in both historical and contemporary narratives. This dichotomy is deeply entrenched in the legacies of colonialism, where colonizers constructed the "Other" as inferior, legitimizing their acts of dispossession and subjugation. This creation of "them" versus "us" is reflected in the works of Frantz Fanon (1963), who argued that colonialism established a psychological framework that framed the colonized as inherently less human. The colonizers defined themselves as the superior "us," while the indigenous populations became the "them"—the other to be ruled, controlled, and dispossessed. Fanon's analysis resonates deeply with my study as it captures how colonial structures, including those around land, perpetuate this binary thinking, reinforcing unequal power dynamics.

I see parallels of this dynamic in the case of the "invisible squatters" in Makuyu, Murang'a County. Kakuzi PLC's involvement in land issues continues to replicate this colonial logic, where the indigenous community is sidelined, seen as "others" in their own homeland. The voices and rights of these squatters are marginalized, as Kakuzi, with its vast economic power, occupies the position of the dominant "us." This exclusion from land rights has deep socio-economic implications, as the squatters are denied access to resources, perpetuating cycles of poverty and disempowerment.

Kwame Nkrumah's (1965) analysis of neo-colonialism further supports this notion. He argued that, although political independence may have been achieved, economic control remains in the hands of former colonizers or multinational corporations like Kakuzi PLC, ensuring the persistence of colonial structures. This "us" versus "them" logic extends to the economic realm, where the powerful retain control over the less powerful, perpetuating the exploitation of land

and resources. Through this lens, I see how the continued presence of corporations like Kakuzi reinforces colonial-era disparities, keeping indigenous populations in a perpetual state of dispossession.

In *Eurafrica: The Untold History of European Integration and Colonialism*, Hansen and Jonsson (2014) argue that the myth of the "Dark Continent" was foundational to the discourse around Eurafrican integration. Rooted in scientific racism and social Darwinism, this myth positioned Africa and Europe at opposite ends of an evolutionary spectrum, with Europe seen as the pinnacle of modernity and Africa as primitive. This view made it seem self-evident that Europe's colonial "tutelage" was necessary to bring Africa into modernity (Hansen & Jonsson, 2014:35). While the Eurafrican project was presented as a new form of partnership, its underlying doctrines of racial superiority and evolutionary progress were unreformed. The political dominance exercised by Europe over Africa remained rooted in colonial ideologies, continuing to marginalize African nations and justify their exploitation under the guise of modernization and development (Hansen & Jonsson, 2014).

When I reflect on this historical context, I see how it connects to the contemporary actions of companies like Kakuzi. Kakuzi, a large agribusiness in Kenya, has been linked to practices of land dispossession and exploitation, where indigenous communities are often treated as outsiders to the development and economic progress that such companies promote. Much like how colonial powers once framed Africans as backward and in need of European guidance, modern entities like Kakuzi continue to perpetuate similar hierarchies, positioning local populations as obstacles to economic growth, rather than valuing them as stakeholders in their own land and development. This continuity of colonial ideologies highlights how the historical framework of colonialism still influences present-day issues of land rights, social inequality, and the marginalization of indigenous communities in Africa.

2.2.2 Indigenous Knowledge

As I delve deeper into the literature on land dispossession, it is essential to acknowledge and explore the role of indigenous knowledge in resisting and surviving these processes. Indigenous knowledge systems are deeply rooted in a sense of place, particularly in relation to land, and provide a critical counter-narrative to colonial dispossession. This perspective is clearly

exemplified in the writings of Ngũgĩ wa Thiong'o (1986), who argues that language and culture are central to resisting colonialism. Indigenous knowledge, expressed through language and cultural practices, is a tool for survival and resilience in the face of colonial oppression.

In the context of Makuyu, the "invisible squatters" possess a wealth of indigenous knowledge tied to the land, yet this knowledge is systematically devalued by corporate interests and state policies that favor capitalist modes of land use. The indigenous ways of knowing rooted in sustainable land practices, communal ownership, and spiritual connections to the land are in stark contrast to the extractive, profit-driven models employed by corporations like Kakuzi PLC. This tension between indigenous knowledge and corporate land practices highlights a key site of struggle in the battle for land rights.

I agree with Summerfield's argument that knowledge and power intersect in complex ways, especially in humanitarian operations. Drawing on Foucault's insights, Summerfield (1999) highlights how socio-economic and political conditions shape all forms of knowledge, often serving to legitimize certain viewpoints while marginalizing others. During the colonial era, indigenous knowledge was devalued, with European knowledge framed as superior, shaping indigenous lives around colonial priorities. As Summerfield notes, traditional values were seen as backward, and indigenous emotional experiences were dismissed as simplistic, reinforcing colonial power through knowledge. This manipulation extended to psychoanalytic concepts, where colonized people's resistance was often portrayed as a psychological deficiency, further distorting their experiences (Summerfield, 1999).

Gunn B. Retter (2019), in her work on the Sámi people, also addresses how indigenous knowledge is critical in environmental stewardship and climate adaptation. The Sámi's understanding of the land, informed by centuries of sustainable living, offers valuable insights into preserving ecosystems in the face of global environmental crises. However, this knowledge is often ignored or undermined by state policies that prioritize economic interests over environmental sustainability. I see a similar pattern in the land struggles in Makuyu, where indigenous knowledge is overlooked in favor of corporate interests, leaving local communities disenfranchised.

By drawing on these ideas, I argue that acknowledging and integrating indigenous knowledge is essential for achieving social justice in land disputes. This perspective challenges the colonial legacy that devalues indigenous ways of knowing and insists on the recognition of these systems as valid, even superior, frameworks for land management. The works of Amílcar Cabral (1979), who emphasized the importance of culture in the struggle for liberation, reinforce this idea. For Cabral, cultural resistance was not merely symbolic but was fundamental to decolonization. Indigenous knowledge, I believe, plays a similar role in the contemporary struggle against land dispossession, serving as both a means of survival and a form of resistance to external domination.

2.3 Local Democracy and Land Governance

'*Poor land governance ultimately results in insecurity of tenure, conflicts over land, poor land use planning and, eventually, 'environmental degradation'. Good governance promotes. land use, which enhances not only environmental benefits but also improves food security and peace resulting from secure land tenure*. (Kameri-Mbote, Kibugi, and Kabira, 2023: 242)

As I review the literature on local governance and democracy, I find that these elements play a pivotal role in managing land disputes and ensuring equitable land distribution. However, the case of Kakuzi PLC illustrates the challenges local governance faces in promoting land justice. Despite the establishment of local democratic structures post-independence, it became clear to me that the entrenched influence of corporate power often undermines these processes (Kameri-Mbote, Kibugi, and Kabira, 2023). In Murang'a County, I learn that Kakuzi PLC, a subsidiary of the British-based Camellia PLC, has long held significant tracts of land under long-term leases up to 999 years (de Lee 2020). The company's vast agricultural operations, centered on commercial production, have exacerbated land conflicts with local communities who claim historical ownership of the land (de Lee 2020). The corporate dominance of land governance and resource allocation reflects the neo-colonial tendencies observed by scholars such as Kwame Nkrumah (1965) and Amílcar Cabral (2023), who highlight how economic control is retained by foreign corporations even after political independence.

I find Frantz Fanon's (1963) emphasis on the violent struggles for land sovereignty in decolonization processes particularly resonant with the ongoing land disputes in Murang'a. The failure of local governance structures to protect the rights of indigenous communities further

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complicates these issues, as I observe that local authorities are often co-opted or constrained by the power of corporations like Kakuzi (de Leeuw, 2020).

In my review, I recognize that strengthening local democracy requires enhancing the accountability and transparency of governance mechanisms. Amílcar Cabral's (2023) argument that true decolonization involves not just political but also economic sovereignty resonates with my findings, highlighting the necessity of empowering local communities to have a meaningful voice in land governance. Patricia Kameri-Mbote (2009: 91) supports this view, emphasizing the importance of legal frameworks that prioritize local land rights over corporate interests, especially the land rights of women.

As I investigate the role of local democracy in post-colonial Kenya, I become increasingly aware of how it can either empower marginalized communities or perpetuate their exclusion. Gurminder Bhambra and John Holmwood (2021) argue that modern democratic institutions, often inherited from colonial rule, must be reformed to reflect the interests of all citizens, especially those historically oppressed. In the case of Makuyu, I observe how local governance structures largely fail to protect the land rights of the invisible squatters, leaving them in a precarious position where they are denied the recognition and support necessary to secure their livelihoods. Amílcar Cabral's (2023) emphasis on culture and local leadership in the liberation of oppressed communities provided me with a framework for understanding the squatters' situation in Makuyu as part of a larger failure of local democracy to protect the most vulnerable. Rather than decolonizing political structures to serve the people, it seems that local governance often serves corporate and elite interests, exacerbating the struggles of those already marginalized.

In conclusion, my literature review of local democracy and land governance in Murang'a County highlights the complexities and challenges posed by corporate influence, particularly in the case of Kakuzi PLC. The analysis of reports and scholarly perspectives reveals a persistent struggle for land rights among marginalized communities, exacerbated by the inadequacies of local governance structures. The findings underscore the need for reforms that prioritize the voices of these communities, as historical injustices continue to shape the dynamics of land ownership and resource allocation in the region. Ultimately, the interplay of local governance and corporate power remains a significant factor in the quest for equitable land distribution and social justice.

2.4 Kakuzi PLC Accountability and Human Rights

Land dispossession in Kenya has had severe consequences for the human rights of marginalized communities. Corporate entities like Kakuzi PLC have been accused of human rights violations, including the displacement of local populations, violent land evictions, and the destruction of livelihoods (de Lee, 2020). Ernest Cornel (2021) highlights the failure of Kenya's legal frameworks to protect communities from such corporate abuses, noting that the justice system often favors corporate interests over the rights of local populations.

In the context of Makuyu, Kakuzi PLC has long been accused of engaging in practices that perpetuate human rights abuses. From allegations of forced evictions to complicity in violence against local communities, Kakuzi's involvement in land disputes raises critical questions about corporate accountability (Cornel, 2021). The company's refusal to engage with community members during my fieldwork underscores the power imbalance between large corporations and the marginalized populations affected by their actions.

Multinational corporations like Del Monte and Lundin Oil have been implicated in serious human rights violations in Africa. In Kenya, Del Monte's expansion into land previously used by local communities for agricultural purposes has caused significant disputes over land ownership and food security (Kirimi, 2003). Similarly, Lundin Oil's activities in Sudan during the civil war from 1997 to 2003 have been associated with allegations of complicity in human rights abuses, including forced displacement and environmental destruction (European Coalition on Oil in Sudan (ECOS), 2010). These cases highlight how corporate practices can drive land dispossession and worsen social inequalities.

The Sámi people's experiences with land dispossession in Sweden offer another critical perspective on corporate accountability. Retter (2019) discusses how the Sámi's traditional grazing lands have been encroached upon by mining companies and other industrial interests, leading to conflicts over land use and environmental degradation. These struggles mirror those faced by indigenous communities in Kenya, where corporate expansion threatens their land rights and livelihoods.

Furthermore, In *Fluid Security in the Asia Pacific: Transnational Lives, Human Rights and State Control*, Tazreiter et al. (2016) explore the precarious nature of human rights for migrants and refugees, emphasizing how state policies often prioritize control over the protection of these individuals. I find this perspective particularly relevant when considering the corporate accountability issues surrounding Kakuzi PLC in Makuyu, Murang'a County, Kenya. Kakuzi's alleged involvement in land dispossession highlights a parallel to the state's disregard for migrant rights, where both state and corporate entities prioritize their interests over the rights and dignity of marginalized populations. Just as Tazreiter illustrates how the state's desire for sovereignty can lead to the exclusion of vulnerable groups (Tazreiter et al., 2016), Kakuzi's practices demonstrate a similar prioritization of profit that results in the violation of local communities' rights to land and livelihood.

Moreover, Tazreiter's discussion on the tension between state control and the lived experiences of transnational populations resonates with the situation faced by the so-called 'invisible squatters' affected by Kakuzi's operations. Both contexts reveal how the precariousness of human rights can stem from powerful actors, whether they are state authorities or corporations, leaving vulnerable groups marginalized and voiceless (Tazreiter et al., 2016). I am particularly struck by how both migrants and local communities mobilize to resist these violations, highlighting the importance of advocacy in challenging power dynamics that threaten their rights. As Tazreiter and her co-authors argue, the complexities of global movements and local struggles necessitate a reevaluation of accountability mechanisms for both state and corporate actors to ensure that human rights are upheld (Tazreiter et al., 2016).

Conclusion

In reviewing the literature, I find that land dispossession in Makuyu, Murang'a County, is deeply connected to colonial-era policies that facilitated the expropriation of indigenous lands, and these patterns persist in the present through corporate control, as exemplified by Kakuzi PLC. Scholars like Frantz Fanon, Ngũgĩ wa Thiong'o, and Kwame Nkrumah have highlighted the socio-economic and cultural impacts of colonialism, and their work has helped me understand how local governance can either support or hinder land rights. The exclusion of "invisible squatters" from land ownership and governance processes reflects enduring colonial ideologies of

marginalization. Additionally, indigenous knowledge, such as that of the Sámi people, offers alternative frameworks for land management, emphasizing sustainability and resistance to corporate exploitation.

CHAPTER 3: KEY THEORIES

3.1 Introduction

In this chapter, I will establish the theoretical framework underpinning my research, focusing on two pivotal theories: decolonization theory and anti-colonial thought. These frameworks will enable me to critically analyze colonial legacies and ongoing struggles for social justice in Kenya, particularly regarding land dispossession. Through decolonization theory, I will explore how formerly colonized societies strive to reclaim their political, cultural, and economic autonomy, shedding light on historical injustices affecting marginalized communities like the 'invisible squatters' in Makuyu, Murang'a County. Anti-colonial thought will provide a historical context for resistance against colonial and neo-colonial forces, helping me examine local democracy and land governance shaped by colonial legacies. Additionally, these theories will offer insights into corporate accountability and human rights, particularly in relation to the dynamics between multinational corporations and local communities. Overall, this chapter aims to articulate the theoretical foundations guiding my research while contextualizing the challenges faced by marginalized communities within broader discussions of colonial histories and contemporary struggles for justice. The two theories will be conceptualized using the following themes Colonial Legacies and Historical Injustices, Local Democracy and Land Governance and Kakuzi PLC Accountability and Human Rights.

3.2 Decolonization Theory

In my exploration of decolonization theory, I understand it as a critical framework that examines the processes and consequences of ending colonial rule. This theory highlights the importance of dismantling the political, social, economic, and cultural systems that colonizers established. I believe that true liberation encompasses not just political independence but also the reclamation of indigenous knowledge, land rights, and cultural identities.

I find it essential to critique the Eurocentric frameworks that have long dominated global systems and intellectual traditions, as decolonization advocates for restoring autonomy and achieving social justice for historically oppressed groups. Key figures like Frantz Fanon, Ngũgĩ wa Thiong'o, and Edward Said have profoundly shaped my understanding of this theory. For

instance, Fanon (1963) emphasizes the psychological impacts of colonialism and argues for the necessity of violent struggle for liberation. Ngũgĩ (1986) highlights the significance of language and culture in reclaiming indigenous identity, while Said (1978) critiques how Western scholarship perpetuates colonial ideologies through Orientalism.

As I delve deeper into decolonization, I recognize that it is an ongoing process requiring continuous resistance against neo-colonialism, where former colonial powers and multinational corporations still exert economic and cultural dominance (Fanon, 1963; Ngũgĩ, 1986; Said, 1978). This theory compels me to rethink global systems, prioritize indigenous perspectives, and address the socio-economic inequalities that persist in post-colonial societies. It is clear to me that decolonization is not confined to the past; it offers critical insights into contemporary struggles for autonomy and justice (Ngũgĩ, 1986; Said, 1978).

3.2.1 Colonial Legacies and Historical Injustices

The legacy of colonialism continues to shape land ownership and socio-economic structures in Kenya, especially in regions like Makuyu. Frantz Fanon's work, particularly in *The Wretched of the Earth* (2002 [1962]), provides a foundational understanding of the violent and disruptive nature of colonization and the ongoing need to dismantle colonial systems fully. Fanon argues that decolonization is not only about political independence but also about overthrowing entrenched colonial structures that perpetuate oppression (Fanon, 2002 [1962]). This perspective is vital for understanding the colonial history of land policies in Kenya, which displaced indigenous populations in favor of settlers and corporate interests, laying the groundwork for contemporary inequalities.

In the case of Kakuzi PLC, a multinational corporation that controls vast areas of land in Makuyu, Fanon's emphasis on the need for a complete dismantling of colonial structures helps explain why post-colonial land reforms have often failed to address the root causes of land dispossession. The historical injustices faced by the 'invisible squatters' in Makuyu can be traced back to the incomplete decolonization of land ownership structures in Kenya. Fanon's theory allows me to argue that decolonization is not only about redistributing land but also about addressing the psychological and cultural dimensions of colonial oppression, which continue to shape socio-economic conditions for indigenous communities.

In addition to Fanon's work, Mudimbe's critique of how Africa has been constructed through Western colonial discourses, as outlined in *The Idea of Africa* (1994), is crucial to my analysis. Mudimbe explores how colonial and Western academic frameworks have historically depicted Africa and its people as "primitive," using this characterization to justify their exploitation and domination. For instance, Mudimbe critiques the Hegelian notion that Africa exists outside history, a concept that perpetuated the view of African societies as static and undeveloped (Mudimbe, 1994: 194). He also examines how early anthropological studies framed African cultures through a Eurocentric lens, labeling them as primitive to emphasize the supposed need for European intervention and control.

Missionary narratives further reinforced this portrayal, characterizing African spiritual practices as "pagan" and culturally inferior, thereby legitimizing conversion and colonization. Mudimbe's critique deconstructs these colonial representations, highlighting how they persist in modern practices. This is reflected in the case of Kakuzi, where the corporation's land ownership is often framed as legitimate under legal and economic frameworks rooted in colonial ideologies, while the claims of indigenous squatters are dismissed as illegitimate or reflective of outdated, "primitive" ways of living. By engaging with Mudimbe's analysis, I argue that true decolonization involves not only addressing legal inequalities but also challenging the entrenched colonial narratives that continue to undermine the legitimacy of indigenous claims. This includes dismantling the epistemological foundations that describe indigenous communities as "backward" while validating exploitative corporate practices as progressive or civilized.

3.2.2 Local Democracy and Land Governance

In *Colonialism and Modern Social Theory* (2021), Bhambra and Holmwood critique how colonialism shaped global inequalities and the intellectual frameworks that underpin modern governance structures. They argue that colonial histories have been integral to the development of Western social theories, such as liberalism and Marxism, which continue to overlook the exploitation of indigenous populations and their land rights (Bhambra & Holmwood, 2021). These colonial legacies are evident in countries like Kenya, where land ownership remains concentrated in the hands of elites and corporations, a system established during colonial rule. This unequal distribution of land, especially in areas like Makuyu, reflects colonial governance

priorities that continue to marginalize indigenous communities, such as the "invisible squatters" who occupy land without formal ownership rights.

Bhambra and Holmwood emphasize that decolonization requires more than political or economic reforms—it necessitates a shift in the intellectual frameworks that sustain colonial structures (Bhambra & Holmwood, 2021). This intellectual decolonization is crucial for understanding ongoing land inequalities in Kenya, where colonial-era policies still influence modern governance. The book argues that decolonization involves not just legal reforms, such as land redistribution, but a fundamental transformation in how land and governance are conceptualized—recognizing indigenous rights and alternative forms of land stewardship that were historically suppressed by colonial powers.

Peo Hansen's critique of the nation-state model in *Decolonization and the Spectre of the Nation-State* (2022) deepens this analysis by arguing that while nation-states were crucial in political decolonization, they often inherited colonial governance structures that perpetuate inequality (Hansen, 2022). Hansen's insight helps me understand how post-colonial Kenya, despite being politically independent, has retained colonial land governance systems that disadvantage indigenous populations. Applying this to my thesis, I argue that local governance reforms need to go beyond the nation-state model and address the colonial legacies that continue to shape land ownership and governance in Makuyu.

3.2.3 Kakuzi PLC Accountability and Human Rights

.Mudimbe's critique of colonial narratives in *The Idea of Africa* informs my analysis of corporate accountability by showing how colonial discourses have shaped the way Africa and, by extension, its land and resources are viewed by Western powers and corporations (Mudimbe, 1994). In the case of Kakuzi, these narratives justify the corporation's land ownership and dismiss the claims of the 'invisible squatters.' Mudimbe's work allows me to argue that decolonizing corporate practices involves not only economic reforms but also challenging the intellectual and cultural narratives that continue to justify corporate exploitation in Kenya.

Moreover, Walter Mignolo and Ramón Grosfoguel's analysis of global coloniality in *On Decoloniality* (2018) and *Decolonizing Post-colonial Studies* (2011) offers a broader theoretical

framework for understanding how colonial power structures persist in global economic relations. Mignolo and Grosfoguel argue that decolonization involves challenging the Western-centric model of modernity and developing decolonial options that prioritize the perspectives of formerly colonized regions (Mignolo & Walsh, 2018; Grosfoguel, 2011). This framework is crucial for understanding how Kakuzi's control over land in Makuyu is part of a broader system of global economic inequality that continues to oppress formerly colonized regions.

By applying Mignolo and Grosfoguel's decolonial framework, I argue that addressing corporate accountability in Makuyu requires not only local legal reforms but also a broader challenge to the global economic systems that perpetuate neo-colonial exploitation. Decolonization, in this context, involves dismantling the global economic structures that enable multinational corporations to exploit land and labor in Kenya.

3.2.4 Critics of Decolonization theory

Decolonization theory, while powerful in its critique of colonial structures, is often criticized for being too abstract and lacking practical solutions for addressing present-day political and socio-economic challenges. Some argue that it can overly idealize pre-colonial societies without adequately considering the complexities of modern governance, development, and the diverse needs of post-colonial states (Walsh and Mignolo, 2018). This abstraction can sometimes leave a gap between theory and tangible policy changes needed to address contemporary inequalities.

Decolonization theory's abstraction presents challenges when applying it to the specific, tangible issues of land dispossession in Makuyu, Murang'a County. While the theory provides a valuable lens to understand how colonial legacies persist, particularly through land ownership structures and governance, it sometimes lacks the direct applicability needed to navigate the practicalities of local governance, land policies, and corporate accountability. This critique resonates with the difficulties I may encounter in aligning the idealistic frameworks of decolonization with the pragmatic needs of communities currently grappling with displacement and injustice.

3.3 Anti-Colonial Thinking Practices

3.3.1 Introduction

Anti-colonial thinking and practices provide a robust theoretical foundation for understanding the ongoing impacts of colonial legacies, local democracy, land governance, and corporate accountability. By emphasizing the historical context of colonization, this theoretical approach enables me to critically examine how colonial structures and ideologies continue to shape post-colonial societies. My thesis benefits from this framework in understanding three major areas: colonial legacies and historical injustices, local democracy and land governance, and corporate accountability and human rights.

3.3.2 Colonial Legacies and Historical Injustices

Anti-colonial theory is instrumental in analyzing the colonial legacies that perpetuate historical injustices in post-colonial societies. Colonialism not only dispossessed indigenous populations of their land but also imposed economic and social structures that persist long after political independence. Frantz Fanon argues that the psychological and socio-economic effects of colonization extend far beyond the physical act of conquest, creating lasting impacts on the colonized (Fanon, 1963). His analysis of the internalization of colonial inferiority helps explain the marginalization of 'invisible squatters,' who are often treated as non-entities in land disputes.

In the case of Kenya, colonial land alienation set the stage for post-colonial land inequalities. The British colonial administration transferred large tracts of fertile land to European settlers, a practice that dispossessed indigenous populations, including communities in Makuyu, where Kakuzi PLC currently operates (Elkins, 2005). Anti-colonial thinkers like Walter Rodney highlight how colonial economic structures persist in the post-colonial era, often to the detriment of indigenous communities (Rodney, 1972). This theoretical lens allows me to see how historical land dispossession, an isolated incident, is not but part of a larger pattern of exploitation rooted in colonialism.

Ngũgĩ wa Thiong'o further critiques the cultural and linguistic dimensions of colonization, emphasizing the alienation of indigenous people from their land and culture (Ngũgĩ, 1986). In the context of Makuyu, the continued presence of Kakuzi PLC on land historically occupied by

indigenous communities reflects a neo-colonial dynamic where multinational corporations benefit from the colonial legacy of land ownership structures.

3.3.3 Local Democracy and Land Governance

Anti-colonial theory also helps me understand the role of local democracy and land governance in the post-colonial context. Decolonization movements across Africa sought to establish systems of governance that reflected indigenous needs and priorities, but these efforts were often undermined by neo-colonial influences. Amílcar Cabral's focus on the importance of culture in the struggle for liberation highlights the need for governance systems that are rooted in local contexts and histories (Cabral, 1973). However, in Kenya, colonial governance systems, particularly regarding land, have often been retained, creating challenges for local democracy and equitable land distribution.

Kwame Nkrumah's concept of neo-colonialism is relevant in analyzing how local governments are influenced by external powers, including multinational corporations. Nkrumah argues that even after political independence, former colonies remain economically and politically dependent on their former colonizers (Nkrumah, 1965). This is particularly evident in Kenya's land governance structures, where corporate interests often override local democratic processes. Kakuzi PLC's involvement in land disputes in Makuyu exemplifies how local governance systems struggle to assert authority over corporate entities that wield significant economic power.

Anti-colonial theory also emphasizes the need for participatory governance that includes marginalized voices. Gayatri Spivak's concept of the "subaltern" speaks to the exclusion of certain groups from decision-making processes, particularly in post-colonial contexts (Spivak, 1988). The 'invisible squatters' in Makuyu, who lack formal recognition and land rights, are excluded from local governance structures, making it difficult for them to advocate for their interests in land disputes involving Kakuzi PLC.

3.3.4 Kakuzi PLC Accountability and Human Rights

Anti-colonial theory critiques the economic and political domination exerted by multinational corporations in post-colonial societies. Kwame Nkrumah's analysis of neo-colonialism helps

frame Kakuzi PLC's operations in Makuyu as part of a broader pattern of corporate exploitation that perpetuates colonial-era inequalities (Nkrumah, 1965). In this context, corporate accountability becomes a key issue, as companies like Kakuzi continue to benefit from land that was alienated during colonialism.

Walter Rodney's critique of the economic exploitation of Africa during colonialism remains relevant in understanding the contemporary role of multinational corporations in land dispossession (Rodney, 1972). Kakuzi PLC's control over vast tracts of land in Makuyu reflects the continuity of colonial economic structures, where foreign entities continue to profit at the expense of local communities. Anti-colonial theory thus provides a framework for understanding corporate accountability not just in terms of legal responsibility but also in terms of historical justice and reparations.

The work of Albert Memmi also contributes to this discussion by highlighting the dynamics of power between colonizers and colonized, which can be extended to the relationship between multinational corporations and indigenous populations (Memmi, 1965). In cases where corporations violate human rights, such as through land dispossession or environmental degradation, anti-colonial theory demands that these entities be held accountable for perpetuating colonial legacies of exploitation.

Anti-colonial thought faces criticism for its heavy emphasis on resistance and revolution, sometimes neglecting the practical challenges of rebuilding post-colonial societies (Rodney, 1972). Critics suggest that while it provides valuable insights into the mechanisms of colonial domination, it offers less guidance on how societies can construct sustainable futures beyond the immediate fight against colonialism. Additionally, both frameworks challenge Western-dominated academic traditions and knowledge production, which can make it difficult to integrate these perspectives into mainstream research structures (Bhambra, 2014). Despite these critiques, I find that combining these two theories offers a robust foundation for analyzing the enduring impacts of colonialism and the ongoing quest for justice.

Both theories challenge conventional research methodologies, as they oppose Western-centric knowledge systems. This tension is apparent in my study, which relies on indigenous knowledge systems and local governance practices that do not always align with mainstream academic

expectations. However, this critique also becomes strength in my research, as it allows me to critically engage with alternative epistemologies that more accurately reflect the experiences and aspirations of the communities I am studying. By acknowledging these critiques, I aim to bridge the theoretical insights of decolonization and anti-colonial thought with the practical realities of land governance, human rights, and corporate accountability in post-colonial Kenya.

CHAPTER 4: METHODOLOGY

In this chapter, I will discuss the research design and methods employed in my study, detailing how I approached the exploration of land dispossession and its implications for the 'invisible squatters' in Makuyu, Murang'a County, Kenya. I will outline my philosophy of science approach, the ethnographic methods used, the selection of participants, and the data collection techniques I employed. Additionally, I will reflect on my positionality as a researcher, particularly my motivation driven by decolonial and anti-colonial perspectives, and how my personal connections to marginalized communities informed my research process. I will also explain the coding and thematic analysis methods I utilized to analyze the data and provide a rationale for choosing the specific case study. This comprehensive exploration will highlight the relevance of my chosen methods in addressing the research questions and objectives of my study.

4.1. Philosophy of Science Approach

In my research, I adopt a philosophy of science approach, which is crucial for grounding my methodological choices. This approach allows me to critically reflect on how knowledge is constructed and shaped by social contexts and theoretical frameworks. It interrogates the assumptions guiding research practices, including the epistemological stances that influence data interpretation (Salmon et al., 1992). Recognizing that knowledge creation is neither neutral nor objective, I align my methodologies with decolonial and anti-colonial perspectives, emphasizing voices historically marginalized in mainstream narratives (Gray et al., 2018). While feminist scholarship informs my understanding, I prioritize broader systemic factors related to land, power, and human rights, particularly relevant in post-colonial contexts like Kenya. Decolonial theories as described in *Chapter 3* address structural inequalities influencing land dispossession, while acknowledging the critiques of Western-centric feminism by scholars such as María Lugones (2007) and Silvia Federici (2004) who linked women's exploitation in the Global South to the rise of capitalism and colonialism both provide valuable critiques of Western-centric feminism, particularly regarding the specific struggles of non-Western women shaped by colonial legacies. My constructivist epistemology, which posits that reality is co-constructed through social interaction (Guba & Lincoln, 1994), aligns with my commitment to amplifying

the perspectives of communities affected by land dispossession in Makuyu. My goal is to engage with their lived experiences and co-create knowledge rather than impose an external understanding of their realities.

4.2 Ethnographic Approach

Given the complexity of land dispossession in Makuyu, Murang'a County, I find the ethnographic approach most suitable for gaining a holistic understanding of this issue. Ethnography allows for immersion in the daily lives of communities, fostering a nuanced appreciation of their social, historical, and cultural contexts (Denzin & Lincoln, 2018). During my four-week field study, I participated in community activities, including attending court proceedings related to land rights, which will be discussed in Chapter 7. This immersion enabled me to grasp both the overt conflicts surrounding land rights and the subtler social dynamics shaping these struggles.

A core principle of ethnography is the commitment to understanding phenomena from the "inside out," necessitating engagement with the community on their terms and respecting their knowledge systems (Gray et al., 2018). Through participant observation and in-depth interviews, I gathered firsthand accounts of land dispossession, revealing socio-cultural factors driving resistance movements and the community's historical relationship to their land. Listening to narratives of those affected by Kakuzi PLC's involvement deeply moved me, reminding me of my experience with the film *The Ice Cream Seller* by Sohel Rahman (2021), which also adopted an empathetic approach to documenting displacement. This emotional resonance reaffirmed my commitment to a decolonial and anti-colonial lens, ensuring marginalized voices were central to my analysis.

In line with reflexive ethnography, I continuously reflected on my positionality throughout the research process (Carspecken, 1996). Recognizing the power dynamics at play as an outsider entering a community with historical grievances, I approached the community with humility, aware that my presence could influence participant responses. Reflexivity required me to be mindful of my biases, preconceptions, and cultural assumptions, striving for transparency and ethical integrity in my interactions (Ritchie et al., 2014). Maintaining a reflexive stance allowed me to navigate these complex relationships with respect and ensure authentic data collection.

A key aspect of my ethnographic research was its participatory nature. I conducted extensive observations around the Kakuzi PLC enterprise, where remnants of colonial influence were evident. British directors resided in heavily guarded residential areas, concealed by dense vegetation and surrounded by trees, starkly contrasting with the marginalized squatters displaced by the company. These squatters lived in deplorable conditions and faced uncertain futures, highlighting the ongoing impacts of land dispossession and colonial legacies. The access roads to the directors' residences were restricted, marked by prominent warning signs cautioning about dangerous dogs and indicating private "no through" roads. This stark contrast symbolised in the phrase, "They have the sky but not the land," underscores the physical and symbolic divides between the privileged few and the displaced many. See Figures 2, 3, and 4 in *Chapter 5* for visual context.

Additionally, attending a court hearing at Utalii Hotel see *Figure 6* in *Chapter 6* provided deeper insight into the socio-political dynamics at play. By witnessing the proceedings firsthand, I gained an intimate understanding of the community's struggles and efforts to reclaim their land amid challenges posed by corporate ownership. These participatory experiences enriched my understanding of the broader context of land rights and dispossession in Kenya.

In adopting ethnography, I also emphasize the importance of triangulation to ensure the credibility of my findings. By collecting data from multiple sources—including participant observation, interviews, legal documents, and historical analysis—I was able to cross-check and verify the accuracy of the narratives shared by the community (Gray et al., 2018). This process mitigated the risk of researcher bias, enabling a comprehensive account of the situation in Makuyu.

Ultimately, the ethnographic approach provided a rich, in-depth understanding of the issues while resonating with my decolonial standpoint. It allowed me to engage ethically and empathetically with the community, centering the voices of those most impacted by colonial legacies and capitalist interests, thus disrupting traditional hierarchies of knowledge production.

4.3 Research Design and Approaches

In my study, the methodology serves as a roadmap to address my research questions by outlining how data is composed, collected, and analyzed (Nygaard, 2017; Ritchie et al., 2014). Methods, on the other hand, refer to the practical techniques I used within this framework to gather and interpret the data (Nygaard, 2017; Ritchie et al., 2014). I employed qualitative methods to explore the social, historical, and human rights dimensions of land dispossession in Makuyu, Kenya (Descombe, 2014; Ritchie et al., 2014). The research design is grounded in an ethnographic approach (Gray et al., 2018; Ritchie et al., 2014), which allowed me to explore the lived experiences of the 'invisible squatters' and their socio-economic conditions shaped by historical land dispossession.

Through qualitative methods, I sought to capture the depth and complexity of participants' experiences and understand how these experiences shape their realities. The flexibility of qualitative research allowed me to adapt my methods as new themes and insights emerged throughout the study.

I conducted semi-structured interviews with affected communities, human rights advocates, and legal experts to gain a nuanced understanding of their perspectives (Kvale & Brinkmann, 2009). I also engaged in participant observation, immersing myself in Makuyu's social context to gain firsthand insights into community life, resistance efforts, and daily struggles (Denzin & Lincoln, 2018). Field notes were essential for documenting observations, interactions, and reflections, which enriched the qualitative data (Ritchie et al., 2014; Minichiello et al., 1990).

In-depth interviews included community leaders, affected individuals, and human rights defenders. Although Kakuzi PLC representatives did not respond to my inquiries, the diverse perspectives I gathered deepened my understanding of the socio-economic impacts of land dispossession. I used open-ended questions during the interviews to encourage participants to share their personal narratives and experiences (Minichiello et al., 1990), ensuring the data reflected the realities of those affected by Kakuzi's actions.

4.4 Participant Selection

Participant selection for this study was purposeful, focusing on individuals who have experienced land dispossession in Makuyu. I sought to engage with a diverse range of participants, including long-term residents, community leaders, and individuals who have directly faced eviction or displacement due to land disputes and academic scholar as explained above in this chapter. This approach ensured that I captured a variety of perspectives and experiences, enriching the data collected and enhancing the study's overall validity.

I aimed to include participants from different demographic backgrounds, including age, gender, and socioeconomic status, to gain a holistic understanding of the impact of land dispossession on various segments of the community. By engaging with multiple stakeholders, I was able to uncover differing narratives and insights, thus reflecting the complexity of the issues at hand.

4.5 Data Collection in Makuyu

Before collecting data in Makuyu, Murang'a County, Kenya, I conducted extensive research at the Kenya National Archives and Nairobi Library. This provided me with a strong foundation on the historical context of land dispossession, Kakuzi PLC, and relevant legal documents.

Upon arriving in Makuyu, I initially felt uncertain about how to proceed. I met with the local chief administrator to explain my research, though he seemed hesitant due to the sensitive focus on Kakuzi. However, a neighboring village chief was more receptive and granted permission to interview marginalized community members.

My first interview took place by chance when I met a 90-year-old man near a shopping area. After explaining my study, he agreed to share his story, and the interview lasted 30 minutes. He also connected me with another squatter, a man in his 70s, who shared his experiences after initial caution about being exploited. As word spread, I interviewed more squatters, including an 80-year-old woman who overheard our conversation and wanted to contribute her narrative.

In Gacagi village, I spoke with a 95-year-old woman who recounted her long-standing hope for justice, as well as a second-generation squatter in her 70s who detailed her family's history with Kakuzi. The snowball effect led me to further interviews, building a deeper understanding of the

ongoing land issues.Snowball sampling, a widely used non-probability sampling technique, is particularly useful in social science research when the population is hard to locate (Biernacki & Waldorf, 1981). This method relies on referrals, where initial informants suggest others, creating a chain of participants.

In total, I interviewed 13 participants, including two community leaders, six marginalized individuals, one local government official, three human rights defenders, and one scholar from the University of Nairobi. I did not interview any of the Kakuzi representatives as they did not answer any of my interview requests. I also attended a court session with community members fighting for justice, which offered additional insights into the legal aspects of the struggle.

Throughout this process, I took extensive field notes to capture the emotions, narratives, and observations from my interviews and interactions, enriching my understanding of the land dispossession issue in Makuyu.

4.6 Coding and Thematic Analysis

To analyze the qualitative data collected from interviews, participant observations, and document analysis, I employed a systematic thematic analysis approach. This method enables the identification of patterns, themes, and meanings within qualitative data (Ritchie et al., 2014). By systematically organizing and coding the data, I was able to pinpoint recurring themes and concepts related to land dispossession. Once thematic patterns were established, I interpreted the data within the broader theoretical framework of decolonial and anti-colonial perspectives, drawing on insights from key authors to illuminate the underlying power dynamics, historical injustices, and socio-cultural factors shaping land issues (Ritchie et al., 2014).

I employed a manual coding approach, a valuable technique for qualitative data analysis. As noted by Braun and Clarke (2006), manual coding allows researchers to immerse themselves in the data, facilitating a deeper understanding of the complexities within participants' narratives. Engaging directly with the data enabled me to identify patterns, themes, and relationships that may not be immediately apparent through automated coding methods.

Following the coding process, I organized the interviews into the aforementioned groups 1 to 4, allowing for thematic analysis. The groups and the themes plus the findings are analysed below in Chapters 5,6 and 7. This involved reading through each interview transcript multiple times, highlighting key phrases and passages with different colors, and assigning codes that capture the essence of the participants' responses. This iterative process aligns with qualitative research principles, emphasizing reflexivity and engagement with the data (Braun and Clarke, 2006).

4.7 Reflexivity and Positionality

An essential aspect of the research methodology was reflexivity, Gray et al., (2018) which involves continuous critical reflection on my own positionality, biases, and assumptions. By acknowledging the influence of personal experiences and perspectives on data interpretation, the researcher ensured transparency and rigor in the research process. Reflexivity prompted acknowledgment of power dynamics and potential researcher biases, ensuring transparency and rigor in data collection and analysis. By critically examining the researcher's role in the research process, the study aimed to mitigate the influence of personal biases and enhance the trustworthiness of the findings (Gray et al., 2018).

By maintaining reflexivity throughout the research process, I navigate the complexities of the field and ensure transparency and rigor in data collection and analysis. This commitment to reflexivity and critical self-awareness will contribute to the ethical integrity and validity of the research findings (Gray et al., 2018; Ritchie et al., 2014).

4.8 Ethical Considerations

My research adhered strictly to ethical guidelines, particularly in ensuring the well-being and dignity of participants. Prior to conducting fieldwork, I obtained informed consent from all participants, ensuring they were fully aware of the research's purpose, methods, and potential outcomes (Denscombe, 2014). Participants were assured of their anonymity and confidentiality, particularly when dealing with sensitive information or personal narratives. I made it clear that they could withdraw from the study at any time without consequence. This ethical commitment ensured that participants felt safe and empowered throughout the research process (Denscombe, 2014). They were made aware that the research was being conducted by a second -year master

student in Ethnic and Migration Studies in Linköping University from Sweden. The research was only for educational purposes and will be discarded after the study. They were made aware that confidentiality was to be maintained, their names was to remain anonymous as they were to be anonymised as Respondents. I requested permission from all the participants before any recording was done.

I adhered to the guidelines set by the Swedish Research Council (2017) to ensure that my research met the highest ethical standards. These principles guided my interactions with participants and reinforced my responsibility to conduct research that was both respectful and just. By incorporating ethical considerations into every aspect of my fieldwork, I was able to foster trust with the community and ensure that their stories were treated with the care and respect they deserved. This ethical framework also contributed to the trustworthiness and credibility of my findings, as it reinforced my commitment to transparent and ethical research practices.

4.9 Methodological Challenges and Limitations

During my fieldwork in Makuyu, Murang'a County, I faced several methodological challenges that tested the flexibility of my research. A significant obstacle was the lack of cooperation from Kakuzi PLC, which declined multiple interview requests, resulting in an absence of corporate perspectives. Nevertheless, I collected extensive testimonies from marginalized communities affected by Kakuzi's landholdings, providing crucial insights. I observed Kakuzi's presence during court proceedings related to land disputes, yet they still refused to engage with my research. Geographical challenges, such as heavy rains, hindered access to remote areas and delayed interviews. While I am proficient in the local Kikuyu dialect, translating the collected data into English was time-consuming and complex, especially given the sensitive nature of land dispossession and corporate exploitation.

Additionally, accessing archival records was challenging, as some documents in the Kenya National Archives were missing or incomplete, complicating efforts to trace historical land dispossession. However, interviews with local historians and elders aided in reconstructing key events. Despite these obstacles, I remained committed to ethical and flexible research, ultimately generating valuable insights into the dynamics of land dispossession in Makuyu.

CHAPTER 5: GROUP 1: MARGINALIZED SQUATTERS

In Chapter Five, my focus is on examining Group 1, the marginalized squatters, and their experiences with historical land dispossession and the ongoing impact of colonial legacies. The main theme centers on how colonialism shaped their current land struggles.

I begin with **Subtheme 1: Inter-generational Struggles and Trauma**, where I explore how the trauma of land dispossession passes down through generations, affecting the squatters today. Next, in **Sub Theme 2: "Them and Us": The Colonial Division and Exclusionary Practices**, I examine the colonial divisions that create lasting decolonial and exclusion effects, which still persist. Finally, **Subtheme 3: Indigenous Knowledge and Decolonization of Land** highlights how these communities use indigenous knowledge to reclaim their land rights and challenge colonial land systems. This chapter aims to reveal the ongoing struggles of marginalized squatters and their efforts to decolonize and restore justice to their land.

5.1 Historical land Dispossession and Colonial legacy

The main theme of historical land dispossession and colonial legacy within the context of Kakuzi highlights the enduring injustices perpetuated by colonialism and its legacy. Kakuzi, originally established as Kakuzi Fibreland Limited between 1902 and 1966, symbolizes the intersection of historical land dispossession and capitalist exploitation in Kenya (Cornel, 2024). During the colonial era, British settlers acquired vast land holdings through legal mechanisms and forceful dispossession, facilitated by laws such as the Crown Land Ordinance of 1902 and the Crown Lands Ordinance of 1995 (Cornel, 2024). These coercive tactics, coupled with fraud and violent displacement, exacerbated the injustice and dispossession experienced by indigenous communities in Kenya.

Despite Kenya gaining independence in 1963, Kakuzi's legacy of colonial-era land dispossession continues to cast a long shadow over marginalized communities residing in its vicinity. Through the interviews I conducted with some of the members of these marginalised communities, their narratives offer moving insights into the deep impact of historical land injustices on their lives and livelihoods. One respondent 3 emotionally recounted, "Our ancestor suffered greatly as their land was forcibly taken away during the colonial era, and yet we continue to struggle to reclaim

what is rightfully ours" (Respondent 3). Another expressed frustration, stating, "Kakuzi's economic dominance and political influence make it nearly impossible for us to assert our land rights and secure a dignified existence" (Respondent 5).

Furthermore, the origins of the name "Kakuzi," derived from the nearby mountains as narrated by one of the respondents, hold cultural and geographical significance in the region. This insight underscores the deep-rooted connection between the land and the communities that have inhabited it for generations, highlighting the intimate relationship between place names and indigenous identities. Moreover, Kakuzi's designation as a Public Limited Company (PLC) as depicted in *Figure 2*, below, underscores its status as a corporate entity with significant economic and political clout in Kenya. While operating as a publicly traded company, Kakuzi is subject to regulations governing corporate governance, financial transparency, and shareholder accountability. However, concerns arise regarding the concentration of ownership and control within Kakuzi's corporate structure, particularly regarding accountability and responsibility towards affected communities marginalized by historical land injustices.

Figure 2: A post of the Kakuzi PLC main office.

Photo by Esther Bohman

5.1.1 Inter-generational Struggles and Trauma

In this subtheme, I explore how inter-generational struggles and trauma have been passed down through the generations in Kakuzi, shaped by the long history of land dispossession. Inter-generational trauma refers to the transmission of the emotional and psychological effects of unresolved historical injustices, like land displacement, from one generation to the next (Mohatt et al., 2014). As I listened to the respondents, it became clear that the trauma experienced by their ancestors continues to impact their present-day lives. This aligns with what Summerfield (1999) describes, as the struggles faced by previous generations are not simply individual experiences but are embedded within collective historical narratives that persist over time.

The legacies of colonialism are deeply entrenched, and these struggles are inherited, as noted by anti-colonial scholars who highlight the enduring impact of historical injustices on contemporary societies (Fanon, 1963). Through this analysis, I show how the fight for land rights in Kakuzi spans multiple generations, with current residents continuing the battles initiated by their forefathers. By linking these personal accounts to broader historical contexts, I provide insight into how these inherited struggles shape the lives and identities of present-day squatters.

As I listened to Respondent 3, aged 85, recount his family's settlement in Kakuzi, I couldn't help but feel the weight of history bearing down on him. His words carried the echoes of generations past, their hopes, dreams, and struggles etched into the very soil he called home. He remarked, "Our family has been here long before independence, but the land issues persist, haunting us like ghosts from the past." Another respondent, 6, echoed similar sentiments, stating, "Our grandparents fought for this land, and now we continue the struggle." Respondent 6, as a second-generation worker for Kakuzi, offered testimony that speaks to the enduring relationship between the community and the company. Despite promises of relocation and land provision for those working for Kakuzi, these commitments remain unfulfilled for many, including Respondent 6 herself. This perpetuates a cycle of uncertainty and dependency, where residents are left waiting for promises that may never materialize, undermining their ability to assert their rights and secure their futures. These narratives underscore the multi-generational nature of land-based struggles within Kakuzi, where the quest for justice spans lifetimes.

These sentiments resonate with the literature on historical land injustice and dispossession in post-colonial contexts. Scholars have long documented how the legacies of colonialism continue to shape contemporary land struggles, with successive generations inheriting the burdens of past injustices (Ndlovu-Gatsheni, 2013). The inter-generational transmission of trauma and resilience underscores the enduring nature of land-based struggles, where the quest for justice becomes a collective endeavor spanning multiple lifetimes (Summerfield, 1999).

In this context, the insights from Mohatt et al. (2014) are particularly illuminating. Their concept of **historical trauma** as a collective narrative highlights how past injustices continue to impact present-day health and community well-being. The narratives shared by Respondents 3 and 6 reflect this notion, demonstrating how the unresolved land issues and the struggles of their ancestors permeate their identities and experiences. Mohatt et al. argue that these historical narratives shape collective identities and influence how communities navigate contemporary challenges. As Respondent 3 indicates, the "ghosts from the past" are not merely relics of history; they are active forces that continue to haunt the present.

Moreover, Summerfield (1999) critiques the assumptions behind psychological trauma programs in conflict-affected areas, emphasizing the necessity of culturally relevant approaches that recognize the socio-political context of trauma. He argues that trauma is not just an individual pathology but is embedded within broader historical and social narratives. This critique underscores the need to view the struggles of the Kakuzi community through a lens that recognizes the political dimensions of their trauma. The ongoing struggles for land and justice are not isolated events; they are deeply intertwined with the historical context of colonial dispossession and systemic inequality. Respondent 6's statement about continuing the struggle highlights this collective trauma and the inadequacy of superficial interventions that fail to address the roots of their suffering.

The narratives of inter-generational struggles within Kakuzi align with theories of decolonization and anti-colonial thinking practices, which emphasize the need to address historical injustices and reclaim agency over ancestral lands. Frantz Fanon's framework of decolonization as a psychological and existential journey resonates with the experiences of marginalized squatters, whose struggles are deeply rooted in colonial histories (Fanon, 1963). This journey is not merely

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about reclaiming land but involves restoring dignity, identity, and community coherence that colonialism sought to dismantle.

Additionally, Patricia Kameri-Mbote's work highlights the importance of recognizing indigenous land rights and restoring ancestral lands to affected communities (Kameri-Mbote, 2009). The stories shared by respondents reveal a profound sense of attachment to their land and a determination to continue the fight for justice, echoing Kameri-Mbote's advocacy for the restitution of land rights as a form of redress for historical grievances.

In conclusion, the stories of inter-generational struggles that emerge in opposition to Kakuzi illuminate the enduring legacies of colonialism and the ongoing quest for justice and restitution. By coupling these narratives with existing literature and theoretical frameworks, this thesis gains insight into the complex dynamics of historical land injustice and dispossession, and the urgent need for transformative change. Through the lens of the narratives shared by respondents during the interviews I conducted, there is clear evidence of inter-generational struggle, where the injustices of the past continue to echo through the lives of present-day squatters.

5.1.2 "Them and Us": The Colonial Division and Exclusionary Practices

A recurring theme from the respondents' testimonies was the stark division between Kakuzi PLC and the local communities. The phrase *"them and us"* frequently surfaced as respondents described the power imbalances and exclusionary practices that perpetuated colonial legacies. This sentiment reflects how colonial structures persist, maintaining a clear distinction between those in positions of power (the corporations) and those marginalized by the system (the local squatters).

Respondent 4 vividly encapsulated this sentiment, stating, *"The warning signs, the presence of dangerous dogs—it's like living in a fortress where your every move is scrutinized."* This imagery reflects the power dynamic where corporate actors like Kakuzi maintain strict control over their lands, isolating local communities through security measures, restricted access, and surveillance. I had a chance to walk with Respondent 4 around the premises of Kakuzi, where the physical barriers such as warning signs, security towers, and restricted roads created a tangible sense of exclusion *See Figure 3 and Figure 4*. Respondent 4 described how, *"The residential*

areas of the directors are highly guarded and not properly visible due to huge vegetation and surrounding trees." Furthermore, their offices are just adjacent on the other side of the road *see Figure 5.* This physical separation echoes colonial spatial segregation practices, where colonial elites lived in guarded, affluent areas, while locals were left on the fringes. The fact that the roads leading to these residences were marked by "no through road" signs and warnings of dangerous dogs served as a reminder of this exclusion. They have constructed Borders Within Borders!

Figure 3: Showing one of the many Kakuzi security towers.

Photo by Esther Bohman

Figure 4 : Showing the restricted white residential area.

Photo by Esther Bohman.

Figure 5: Showing one the Kakuzi Main Office opposite the white residential areas.

Photo by Esther Bohman

The sense of alienation is not limited to physical barriers; it extends to the psychological and emotional realm. Frantz Fanon (1963) spoke of the psychological effects of colonialism, where the colonizer maintains control over the colonized by enforcing psychological barriers, creating feelings of inferiority and alienation. At Kakuzi, this colonial dynamic persists, as local communities feel their movements are restricted and their voices silenced. The exclusionary practices that Kakuzi employs echo the colonial power structures that kept local communities marginalized and vulnerable, ensuring that corporate interests prevail over community rights.

Former workers such as Respondent 4 also highlighted the lack of job security within Kakuzi, saying, *"My contract ending suggests a lack of job security and stability."* Many of these workers were subjected to precarious employment conditions, often forced to give up their land to make way for corporate expansion. This reflects Walter Rodney's (1972) critique of how colonial economic structures persist in post-colonial contexts, trapping local communities in cycles of exploitation and dispossession. In this way, Kakuzi's coercive labor practices reinforce

the colonial division of power between "them"—the corporate elite—and "us"—the marginalized communities.

Respondent 5, a vocal community advocate, shared his frustration with these exclusionary practices, stating, *"We will not be silenced! We will continue to fight for our rights until justice is served!"* His testimony highlights the resilience of marginalized communities, who refuse to be sidelined in their pursuit of justice. Despite the physical and psychological barriers imposed by Kakuzi, communities have mobilized and formed alliances to advocate for their land rights. *"We have formed alliances, mobilized protests, and engaged with policymakers to demand accountability,"* Respondent 5 elaborated, shedding light on the collective action strategies employed to challenge the systemic oppression perpetuated by Kakuzi.

In another poignant testimony, Respondent 7, a 90-year-old woman who worked as a sisal tenderer for Kakuzi, revealed the exploitative labor practices within the company. *"I worked for them without complaint, but the wages were meager, and we were promised better lives that never came,"* she recounted, describing the long hours, poor pay, and lack of job security that characterized her experience. This mirrors the broader economic structures that maintain corporate dominance while local communities continue to struggle under exploitative conditions.

Additionally, Respondent 3, an 87-year-old man, shared his family's history of settlement within Kakuzi, lamenting the ongoing land issues and the lack of compensation. *"I still have hope that Kakuzi will compensate me plus the others though I have waited since 1986, almost forty years now,"* he said with a tone of frustration. His anger was palpable as he revealed how organizations like Sikika, which were meant to advocate for justice, instead used bribery and coercion to silence dissent. *"Sikika muzzles justice […] they employ vocal community members to keep things quiet,"* he added, demonstrating how the system of exclusion continues through the manipulation of community voices, oppressing any hope of meaningful justice for the marginalized.

5.1.3 Indigenous Knowledge and Decolonization of Land

In contrast to the colonial exclusionary practices, indigenous knowledge emerged as a counter-narrative in my conversations with local squatters and former workers. Elders, in particular,

emphasized the importance of restoring indigenous knowledge in the governance of land, as this knowledge is deeply rooted in sustainable land management and community well-being. Decolonizing the land, in their view, is tied to the reclamation of this knowledge and the recognition of their cultural practices.

Respondent 8, a woman in her 60s, spoke passionately about her family's experience of displacement and dispossession at the hands of Kakuzi. She recounted how Kakuzi had promised them land ownership, but these promises never materialized, leaving her family landless and marginalized. Initially, they resided within the Kakuzi estate, where her parents toiled under the promise of eventual land ownership. However, as time passed, it became evident that these promises were merely empty words. Instead of fulfilling their obligations of relocating the family to a better place, Kakuzi relocated the family to a small tiny village called Gachagi see *Figure 6,* providing inadequate housing that further exacerbated their plight. In the background of the village is tall Eucalyptus trees planted by Kakuzi PLC.

Figure 6: Showing the Shanty houses for the marginalised group in Gachagi

Photo By Esther Bohman

The transition from the Kakuzi estate to the small village only deepened their sense of insecurity and dispossession. The elusive dream of land ownership, once held dear, now seemed like a distant fantasy. With each passing day, the family grappled with uncertainty, unsure of their future and their place in a community that had been uprooted by corporate greed.

"They promised us land, but we were left with nothing," she said. This sense of dispossession extended beyond the physical loss of land; it was also a loss of identity and heritage, as they were severed from their ancestral lands and the indigenous practices tied to them. She went on to explain the emotional toll this had taken on her family, especially in relation to burial practices: *"When one of us dies, we don't have a place to bury our loved ones because we are landless."* This disconnection from ancestral land not only disrupts traditional practices but also severs the deep cultural and spiritual connections that are integral to their identity. Stuart Hall's (1996) reflections on identity are particularly relevant here, as identity is shaped by history and culture. For these landless communities, the loss of ancestral land disrupts their sense of self, community, and belonging, as the land is more than just a physical space—it is a repository of cultural knowledge and heritage. The ongoing displacement experienced by Respondent 8 and her family reflects a broader pattern of neocolonial exploitation (Amílcar Cabral's ,1966), where indigenous systems of governance and knowledge are marginalized in favor of corporate interests.

Similarly, Respondent 5, a 76-year-old squatter, emphasized the importance of grassroots efforts in restoring land justice. *"We were promised schools, clean water, and better lives, but none of it materialized,"* he said, highlighting the broken promises made by Kakuzi. In response, communities have begun to organize and mobilize around indigenous knowledge as a means of reclaiming their rights to the land. Respondent 5 has been actively involved in the Gaichanjiru Community, a grassroots movement advocating for the restoration of indigenous practices in land governance. He shared how these efforts are vital for the decolonization of land, as they prioritize local knowledge systems and challenge the corporate structures that seek to marginalize them.

The importance of indigenous knowledge in sustainable land governance is echoed in the work of scholars like Gunn Britt Retter (2019), who argues that indigenous knowledge should be central to environmental management and land governance. However, as Retter notes, this

knowledge has often been sidelined in favor of corporate interests, much like in the case of Kakuzi, where local communities were coerced into giving up their land for infrastructure projects.

Respondent 7's testimony further highlights the intergenerational impact of Kakuzi's exploitative labor practices. She explained how, upon her retirement, Kakuzi asked for one of her children to take over the job. *"They wanted my son to take over after I retired, keeping us trapped in the cycle,"* she shared. This practice of generational labor contracts perpetuates dependence on Kakuzi, cutting off opportunities for indigenous families to reclaim autonomy and land. This aligns with Amílcar Cabral's (1966) critique of neocolonialism, where corporate structures continue to exploit indigenous knowledge and labor while preventing communities from reclaiming their rightful place on the land.

5.2 The Path Toward Decolonization

In analyzing the findings in Chapter 5 alongside decolonization and anti-colonial thinking, I reflect on the exclusionary practices of Kakuzi PLC and the marginalization of indigenous knowledge, which are ongoing legacies of colonialism in contemporary land governance. The experiences of the "invisible squatters" in Makuyu illustrate not only the enduring impacts of colonial structures but also a pathway toward decolonization through their resilience and determination. Reclaiming indigenous knowledge and restoring ties to ancestral lands are crucial steps in reshaping identities and asserting rights against corporate exploitation. Mignolo and Walsh (2018) emphasize that decolonization necessitates rethinking land ownership and governance to center indigenous ways of knowing.

Testimonies from Respondents 3, 4, 5, 7, and 8 reinforce this narrative, showcasing how collective action and indigenous knowledge challenge neocolonial systems. These communities are fighting not just for physical restitution of their land but also for cultural and spiritual reconnection, echoing Fanon's (1963) argument that true liberation requires dismantling the colonial political, social, and economic structures. This struggle aligns with Ngũgĩ wa Thiong'o's (1986) emphasis on the importance of language and culture in the pursuit of self-determination.

The findings strongly illustrate how anti-colonial thought frames the resistance of marginalized communities against both historical and contemporary exploitation forces. Fanon's concept of resistance (2002 [1962]) is evident in how the "invisible squatters" assert their land claims against Kakuzi and entrenched power structures. This resistance connects deeply to cultural revitalization, as Ngũgĩ (1986) argues, which is necessary for empowering communities against corporate exploitation.

Moreover, the findings critique local governance structures, revealing their failure to protect marginalized populations and reflecting the colonial legacies embedded within contemporary systems. This echoes the critiques of Bhambra and Holmwood (2021), who highlight colonialism's influence on modern governance. The failure of local authorities to act in the interests of indigenous communities supports the need for transformative approaches to local democracy, as colonial mechanisms continue prioritizing corporate interests over community rights. Hansen and Jonsson (2014) further emphasize how modern state structures rooted in colonial frameworks prioritize settler and corporate interests.

The role of corporate accountability discussed in the findings resonates with critiques of neo-colonialism articulated by Nkrumah and Rodney. Kakuzi PLC exemplifies how multinational corporations perpetuate economic inequalities stemming from colonial land dispossession. Nkrumah (1965) and Rodney (1972) argue that the post-colonial state remains shaped by the legacy of economic control exercised by former colonial powers, influencing local power dynamics. Hansen and Jonsson (2014) extend this critique by situating Kakuzi's operations within a broader system of global economic inequality, reinforcing that addressing corporate accountability involves confronting historical injustices.

By integrating decolonization and anti-colonial thought frameworks into my analysis, I argue that the fight for land rights in Makuyu is inherently tied to broader struggles for cultural identity, governance reform, and corporate accountability. The challenges faced by the "invisible squatters" exemplify ongoing struggles against colonial legacies shaping land dispossession today. As Ngũgĩ (1986) argues, reclaiming indigenous knowledge is essential in the fight for justice, which is about restoring dignity and cultural identity.

The colonial legacy in Kenya underscores how British policies, like the Crown Lands Ordinance of 1902 and 1915 (Sorrenson, 1968), led to widespread land alienation. Nkrumah's theory of neo-colonialism (1965) provides a lens for understanding Kenya's economic dependence on multinational corporations, like Kakuzi. The notion of "them" and "us," entrenched in colonial legacies, is evident in contemporary land struggles, where Kakuzi PLC marginalizes indigenous squatters, replicating colonial exclusion structures. Finally, indigenous knowledge systems, as argued by Ngũgĩ (1986), counter corporate exploitation, highlighting the broader implications of land struggles in Kenya that interconnect economic, cultural, and spiritual resistance dimensions.

CHAPTER 6: GROUP 2

Human Rights Defenders and the Court Case: Kakuzi PLC vs. the Marginalized Squatters.

In this group 2 section, I will first discuss the group2 of Human Rights Defenders (HRDs) and the subsequent themes which emerged during the thematic analysis. Following this, I will delve into the court case between Kakuzi PLC and the marginalized squatters and the account of the marginalised squatters who witnessed in the court during the legal proceedings.

6.1 Human Rights Defenders (HRDs)

Human Rights Defenders (HRDs) are individuals or groups dedicated to promoting and protecting human rights by advocating for justice, defending freedoms, and ensuring accountability for rights violations. They operate within extensive networks that connect local activists to national and international organizations, including NGOs, legal entities, and bodies like the United Nations (OHCHR, n.d.). HRDs receive funding from various sources, such as private foundations, international donors, and supportive governments, which enables them to engage in legal advocacy, document abuses, and raise public awareness about human rights violations. While their role is essential, concerns about independence may arise if external funding appears to influence their work. Many HRDs, however, maintain transparency to align their efforts with the interests of the communities they serve.

Collaboration is a cornerstone of HRDs' effectiveness. In the case of Kakuzi PLC, HRDs worked closely with organizations like the Kenya Human Rights Commission (KNCHR, 2021) and the Ndula Resource Centre to provide legal and advocacy support to marginalized squatters and laborers. I witnessed this firsthand during a court case between Kakuzi PLC and the squatters, where HRDs effectively represented the community's concerns, advocating for their ancestral land rights and justice for historical injustices. The trust HRDs have built with marginalized communities is evident in their ongoing advocacy and long-term commitment, ensuring that these groups feel supported and empowered in their pursuit of justice.

6.2 Advocacy and Resistance against Injustice

I will discuss the main theme of this Chapter 6 which is Advocacy and Resistance against Injustice. Then the sub themes of Human Rights Defenders as the Voice of Marginalized Ethnic Groups Land Rights and Records of Exclusion and Advocacy for Rights will be discussed subsequently.

The interview questions in this group aimed to delve into the motivations, challenges, and strategies employed by these defenders in their advocacy efforts. Specifically, the goal was to uncover how they navigate the complexities of advocating for marginalized communities, the obstacles they face in confronting systemic oppression, and the impact of their work on the communities they serve. By exploring these aspects, the interviews aimed to provide insight into the courageous and justice-driven actions of human rights defenders in the ongoing struggle against injustice and exploitation.

Advocacy and resistance against injustice are fundamental aspects of human rights work, particularly in contexts marked by historical and ongoing marginalization and exploitation (Cornel, 2024). The struggle against Kakuzi PLC's practices in, Makuyu, Murang'a County, Kenya, exemplifies this. Human rights defenders are at the forefront of advocating for the rights and dignity of their margnalised community, documenting abuses, engaging in legal advocacy, and demonstrating resilience in the face of significant risks.

 During my field work research in Makuyu, I witnessed firsthand how human rights defenders in one of the marginalized communities in Gathungururu and Gachagi passionately advocate for reclaiming their ancestral lands. I interviewed 3 human Rights Defenders (HRD) who work closely with the Kenya Human Rights Commission (KHRC)and the Ndula Resource Center (NRC) and their narratives will be discussed below. Their dedication was evident not only through the personal narratives shared during the interviews but also in the corridors of the courts, where I attended one of their proceedings on 12/ 4/ 2024. These defenders work tirelessly to ensure their community's voices are heard. Despite facing significant risks, they persist with unwavering dedication.

6.3 Human Rights Defenders as the Voice of Marginalized Ethnic Groups Land Rights

In my interviews with Group 2, I interviewed 3 human rights defenders whom I visited in their homes. I was introduced to it by one of the government officials whom I interviewed. I focused on understanding their lived experiences and their role as the voice for marginalized communities facing land dispossession. I examined the plight of the 'invisible squatters' in Gathunguru-ru, Makuyu, where Kakuzi PLC has been at the center of land injustices. During my visit to Gathungururu, I met Respondent 9, a 72-year-old human rights defender who provided a compelling account of the history of land dispossession endured by his community. His testimony highlighted the broken promises made by Kakuzi PLC, wherein squatters were offered one acre of land each despite promises of five acres when they were displaced from their ancestral home in Mwambu.

This failure to meet the agreed terms has fueled deep tensions within the community, prompting the formation of 13 different groups to pursue legal action against Kakuzi in an effort to reclaim their rightful land, as envisioned by their ancestors.

Respondent 9 shared his frustrations: "Kakuzi promised the squatters five acres of land each when we were displaced from Mwambu, but we were only given one acre." He went on to explain how the 152 residents of Gathungururu have subdivided this limited land across generations, leading to even more constrained living conditions. "Now, 13 groups have formed to sue Kakuzi, seeking justice and their rightful share of land ownership as per our ancestors' wishes," he explained.

Furthermore, Respondent 9 lamented that the land allocated by Kakuzi was unsuitable for farming, primarily due to the presence of nearby Eucalyptus trees planted by the corporation. These trees, known locally as *Munyua maai* (meaning 'drinker of water' in Kikuyu), have drained the land of moisture, making agriculture unviable. This has worsened the already precarious situation of the community. "The land we were given is not fit for farming, and many families are struggling to survive. Kakuzi's planting of Eucalyptus trees has dried up the surrounding environment," he lamented.

The defender further contextualized these current struggles by tracing the history of land dispossession back to colonial-era laws. He explained that colonial legislation from the late 19th and early 20th centuries aimed to strip Africans of their land rights, coercing them into providing cheap labor for white-owned estates. According to Respondent 9, this historical legacy has perpetuated a cycle of exploitation, as Kakuzi continues to benefit from the injustices rooted in colonial dispossession. He illustrated how, under British rule, laws passed in 1902 and reinforced in 1915 denied Africans the right to land, forcing them to work on white-owned lands under conditions akin to slavery.

This pattern has continued with Kakuzi, where families are expected to pass their labor onto the next generation as a form of inherited servitude. "If you reach retirement age, you must provide for your son to continue working. This is a form of human rights abuse and modern-day slavery," he explained. In addition, Respondent 9 recounted how Kakuzi PLC managed to secure a 999-year lease on the land during the tenure of Kenya's first president, Jomo Kenyatta, but failed to resettle the displaced communities. To this day, the descendants of the original landowners remain reliant on waged labor on Kakuzi farms, enduring harsh conditions and denied access to their ancestral land.

Respondent 10, a 62-year-old human rights defender, also shed light on the ongoing work to address these injustices. He described how their organization collaborates with local and international bodies to gather information and provide support to displaced communities. "We work with the Kenya Human Rights Commission and international bodies like SOMO (Center for Research on Multinational Corporations) to gather information on those displaced and help those unable to pursue their rights due to illiteracy or lack of information," he explained. These partnerships are vital in advocating for the rights of the marginalized, empowering the squatters to seek justice in a system that often excludes them.

However, the struggle to secure land rights is not without challenges. Respondent 10 pointed out that Kakuzi has employed tactics of enticement and intimidation to suppress dissent. "Kakuzi entices squatters who raise issues of injustice by offering temporary employment, turning them into informants for the company," he explained. This strategy undermines the efforts of human

rights defenders, making their work even more difficult. Moreover, Kakuzi frequently seeks court injunctions to prevent squatters from presenting their cases, further obstructing justice. "Whenever the squatters try to go to court, Kakuzi obtains injunctions so that the issue isn't heard. This makes our job as human rights defenders incredibly difficult," Respondent 10 added, reflecting on the continuous cycle of suppression.

Human rights defenders like Respondents 9 and 10 play a critical role in giving voice to marginalized ethnic communities, particularly the invisible squatters of Gathunguruu. Through their advocacy, they seek to restore the dignity and land rights of those who have been systematically denied their place on their ancestral lands. By working with local communities and international bodies, these defenders strive to overcome the barriers of illiteracy, misinformation, and corporate suppression, making them a crucial force in the fight for justice in Makuyu.

6.4 Records of Exclusion and Advocacy for Land Rights

In exploring the subtheme Records of Exclusion and Advocacy for Rights, I focused on how exclusion manifests in land dispossession cases and how human rights defenders document these injustices while advocating for marginalized communities. Through my interviews, I aimed to uncover the methods used to capture evidence of human rights abuses, the challenges they face, and the strategies they use to raise public awareness. My goal was to understand how these defenders use documentation to challenge systems of exclusion, empower communities, and push for justice.

During one of my interviews, Respondent 10, a human rights defender, emphasized the importance of documentation in exposing the exclusionary practices of Kakuzi PLC toward squatters, the original landowners. He told me, "*We have documented the history of Kakuzi's injustices toward squatters who were excluded from the land they rightfully owned.*" These records have been crucial in legal battles, providing concrete evidence of the systematic marginalization carried out by Kakuzi. Detailed documentation has become a powerful tool in presenting the community's exclusion from their ancestral lands and their ongoing struggle for justice.

Similarly, Respondent 9, a 72-year-old human rights defender, shared his vast experience in documenting land injustices in Gathungurum, particularly those caused by Kakuzi. During our conversation, I had the chance to review many of the files he had accumulated, which included court records and legal documents concerning the squatters' fight for land rights. Despite threats and intimidation from Kakuzi representatives, Respondent 9 continued his work, explaining that *"historical records trace the colonial roots of exclusion, showing how the same tactics of marginalization continue today."*

The following chart summarizes some of the fieldwork notes I gathered from the documents provided by Respondent 9 and other human rights defenders during my research on the Gathungururu/Kakuzi land conflict. These notes capture the chronological events of the land conflict, highlighting the ways in which Kakuzi has used exclusionary practices to marginalize the Gathungururu community. The documentation reflects the long-standing nature of the dispute, the role of Kakuzi in deepening community divisions, and the systemic injustice faced by those excluded from their rightful land.

Date	Event	Relevance to Study
1900-1920	Arrival of white settlers, colonization begins	**Colonial land dispossession:** Forefathers become squatters, a direct result of colonial land grabbing.
1963	Kenyan independence	**Post-colonial hope:** Independence brings renewed optimism for land restitution, but systemic issues persist.
1970-1972	Gathungururu settlement plan initiated, delayed 14 years	**Delayed land rights:** The delay reflects local governance failures and continued land grabbing practices.
1979-1986	70 acres of land grabbed, legal battle begins	**Impact of land grabbing:** Squatters face socio-economic uncertainty, highlighting the post-colonial struggle for land justice.
1989-2000	Prolonged legal battle, case withdrawn by manipulation	**Manipulation of local democracy:** Illiterate elders are exploited, demonstrating how corporate power undermines community efforts to regain land.
2001-2002	Evictions and confrontations initiated by Kakuzi	**Corporate human rights violations:** Kakuzi uses force and eviction tactics, infringing on squatters' land rights and livelihoods.
2004-2005	Kakuzi halts infrastructure projects and claims land	**Corporate interference in public development:** Kakuzi's obstruction of public infrastructure development perpetuates community marginalization.
Various	Labor exploitation by Kakuzi	**Corporate accountability:** Kakuzi's practices lead labor rights violations, emphasizing ongoing human rights abuses.

As I reflect on the field notes I gathered in Gathungururu, it became evident that the Kakuzi PLC land conflict is not just a matter of land dispossession; it is deeply rooted in the systemic exclusion of marginalized ethnic groups, particularly the squatters. This exclusion dates back to the colonial era, when settlers forcefully seized land from indigenous communities, and even after independence, the promise of land restitution remained elusive, leaving the squatters in a state of legal limbo.

The economic exclusion was made worse by Kakuzi's eviction tactics and intimidation, which prevented squatters from organizing or asserting their rights. Respondent 9 explained how Kakuzi planted eucalyptus trees, rendering the land unsuitable for farming, further deepening the

community's economic dependence. This exclusion traps them in a cycle of poverty, where they are forced to work on the land their ancestors once owned as low-wage laborers.

Throughout my fieldwork, it became clear that human rights defenders play a crucial role in this struggle. They organize the community, work with civil society organizations like the Kenya Human Rights Commission, and document abuses to provide both legal and moral support to the squatters. These defenders are not just advocating for land rights; they are challenging a deeply ingrained system of exclusion that has kept the "invisible squatters" marginalized for generations.

6.5 In Summary: Kakuzi PLC Accountability and Human Rights: A Decolonial Critique

In analyzing the role of human rights defenders in advocating for marginalized ethnic groups, I utilize decolonization and post-colonial theories to understand their efforts on behalf of the 'invisible squatters' in Makuyu. Through interviews with three defenders from Group 2, I uncover how colonial legacies continue to shape the socio-economic conditions of these communities. For instance, Respondent 9, a 72-year-old advocate, revealed that Kakuzi PLC had promised five acres of land to squatters but only delivered one, resulting in frustration and community mobilization for justice. This situation echoes Frantz Fanon's (1961) critique of ongoing marginalization and the unfulfilled promises of land restitution that perpetuate cycles of poverty.

Respondent 9's testimony also reflects Kwame Nkrumah's (1965) concept of neo-colonialism, where the illusion of independence masks continued corporate exploitation. This aligns with Amílcar Cabral's (1973) assertion that liberation must encompass reclaiming land and culture. Kakuzi's encroachment represents an attack on both property rights and cultural identity. Additionally, ecological degradation from Kakuzi's eucalyptus plantations further complicates local farming efforts, reminiscent of Walter Rodney's (1972) critiques regarding colonial resource extraction that devastates both communities and environments.

The defenders' efforts to amplify marginalized voices echo Gayatri Spivak's (1988) notion of the "subaltern."in *Chapter 2*. They strive to document the historical exclusion of squatters from their

land, acting against colonial-era practices that institutionalize injustice, as noted by Albert Memmi (1957). By archiving the community's struggles, they challenge dominant narratives and reclaim their histories, supporting Ngũgĩ wa Thiong'o's (1986) call for decolonizing the mind.

Moreover, their collaborations with international bodies highlight the necessity of connecting local struggles with global movements, echoing Gurminder K. Bhambra and John Holmwood's (2021) perspectives on colonialism's lasting impact. Ultimately, Kakuzi's exploitative practices reveal ongoing neo-colonial structures that maintain economic dependency. The defenders' work is a vital part of a broader movement to reclaim land and justice, challenging not just a single corporation but the systemic inequalities rooted in colonial histories. Through this lens, I frame their advocacy as an essential component of decolonization efforts, reflecting a global struggle for marginalized communities.

GROUP 4: Court Case: Kakuzi PLC vs. the Marginalized Squatters.

6.6 Hearing of the Historical Land Injustices Case

On April 12, 2024, I attended the court proceedings for the case of Kakuzi Plc vs. Makuyu Squatters (NO-E064), held at Utalii Hotel in Nairobi *see figure* 7. The session, initiated by the National Land Commission (NLC), began with an overview of the case involving 13 squatters. These squatters were seeking justice to reclaim their ancestral land from Kakuzi Plc. The company had earlier filed a motion to dismiss the case, arguing against proceeding with the hearing on that date. However, the NLC dismissed Kakuzi Plc's application, allowing the court case to proceed (See the below documents named (*Document one to six).* Represented by a team of lawyers, the Makuyu squatters informed the court that they had six witnesses prepared to testify on their behalf. Out of the six witnesses, this thesis highlights the testimonies of two of them who witnessed on that date anonymized as Witness 1 and 2. These testimonies aim to highlight the historical injustices and present-day challenges faced by the displaced communities.

Figure 7: The court full of the marginalized Squatters on 12/04/2024.

Photo by Esther Bohman

6.7 Witness Testimonies: Tales of Dispossession and Forced Migration from their Ancestral Land

Witness 1

A 72-year-old woman from Milimani approached the witness stand, her hands trembling slightly as she clutched onto her ancestral memories. As she took the oath administered by the court clerk, her face bore the weight of decades of struggle and resilience.

In a voice shaking with emotion, Witness 1 began her testimony by providing context to her current living situation, explaining the geographical features of Milimani that rendered it unsuitable for agriculture. "Milimani," she clarified, "derives its name from the hilly and rocky terrain that characterizes the area, making it difficult for farming activities."

Turning to the heart of her narrative, Witness 1 recounted the bygone days when her family thrived on their ancestral land in Kakuzi. "My father," she recounted, "owned 25 acres of fertile soil in Kakuzi, which we cultivated with beans, maize, and sweet potatoes. Those lands sustained us, providing not just food but a sense of rootedness and belonging."

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However, her voice paused as she delved into the events of 1978, a year etched in her memory with passionate clarity. "In 1978," she recounted, her voice trembling with suppressed anguish, "Kakuzi's agents descended upon our community like vultures, demolishing our homes and uprooting our lives with brutal neglect." Tears welled up in her eyes as she described the destruction wrought upon their family house, consumed by flames fueled by corporate greed.

Forced to abandon their ancestral lands, Witness 1 and her family found themselves displaced and dispossessed, their dreams shattered by the relentless pursuit of profit. "We were left with nothing," she lamented, her voice choked with sorrow, "forced to migrate to Milimani, far displaced from the land that had sustained us for generations."

But amidst the pain and loss, Witness 1's resolve remained unbroken as she issued an emotional plea to the National Land Commission. "I implore the NLC Commission," she declared, her voice ringing with conviction, "to heed our cries for justice and restitution. Our ancestral land is not just a piece of property; it is the very foundation of our identity and livelihoods. We demand the return of what was unjustly taken from us, so that we may rebuild our lives and reclaim our dignity."

As Witness 1 concluded her testimony, the courtroom fell silent, her words echoing in the hallowed halls of justice, a touching reminder of the enduring struggle for land rights and justice in the face of corporate exploitation.

Witness 2

Witness 2, a 65-year-old man from Ndula, stood confidently as he took the stand, his calm demeanor drawing attention in the serious atmosphere of the courtroom. With confident eyes and a determined voice, he began to share the story of his family's experiences with Kakuzi […] a story filled with both resilience and injustice.

Born and raised in Ndula, Witness 2 began by tracing the lineage of his family's connection to Kakuzi, a connection forged through years of labor and loyalty. "My father," he began, "dedicated 21 years of his life to Kakuzi, serving diligently as a manager within the company's ranks." However, what should have been a dignified retirement for his father transformed into a story of dispossession and betrayal.

"In 1969," Witness 2 continued, his voice tinged with bitterness, "Kakuzi, instead of honoring my father's years of service with due retirement benefits, bestowed upon him a parcel of land 400 acres of what was ostensibly meant to be our new home." Despite the promise of a fresh start, the reality of Kakuzi's benevolence soon turned sour as Witness 2 recounted the violent upheaval that ensued.

"Our neighbors in Kaloleni," Witness 2 recounted, his voice thick with emotion, "hardworking farmers striving to eke out a living from the land, were callously targeted by Kakuzi's land acquisition tactics." With a heavy heart, he described the scenes of horror and devastation witnessed firsthand as Kakuzi's agents descended upon Kaloleni, torching homes and uprooting families in a bid to expand their domain.

"As chairman of the local Seventh-day Adventist (SDA) church and an elder of the Ndula community," Witness 2 emphasized, his tone carrying the weight of moral authority, "I have borne witness to the enduring struggle of our community against the injustices perpetrated by Kakuzi." In his dual roles as spiritual leader and community advocate, Witness 2 has stood at the forefront of the resistance, rallying his fellow villagers in defiance of corporate exploitation.

With unwavering resolve, Witness 2 concluded his testimony, his words reverberating with a solemn vow to uphold the dignity and rights of his community. "We shall not be silenced," he declared, his voice resonating with quiet determination, "until justice is served and our land, stolen through deceit and violence, is returned to its rightful owners. We stand united in our struggle against Kakuzi's tyranny, steadfast in our commitment to reclaiming what is rightfully ours."

6.8 Kakuzi's PLC tactics to delay the case.

Kakuzi Plc has employed various tactics to delay justice and suppress community claims. One such tactic involves providing temporary employment to vocal community members, effectively converting them into informers who help Kakuzi undermine collective action. Their attempt to dismiss the case and their objection to the submission of documents by marginalized groups clearly demonstrate a strategy to delay court proceedings and deny justice.

The National Land Commission's (NLC) dismissal of Kakuzi's application to halt the hearing, as well as their ongoing adjudication of historical land claims, are pivotal steps toward corporate accountability. The involvement of the NLC ensures that the voices of marginalized communities are heard in a formal legal setting.

The hearing of the historical land injustices case involving land owned by Kakuzi Plc came to an end on April 12, 2024, when I attended the proceedings. The marginalized squatters, who are the claimants, were instructed by the court to submit all necessary documents to support their claims by June 24, 2024, as indicated in *Document Eleven in* the Appendix is a photo from the National Land Commission's Facebook page which I got from one of the human rights defenders.

However, Kakuzi Plc was dissatisfied with the ruling and orders of the NLC delivered on April 12, 2024. The company appealed to the Environment and Land Court against the entire decision of Case No. E064 on May 9, 2024, at 3.47 p.m, citing numerous grievances and alleging that the court had erred. The below appeal documents *(Seven to Ten)* on the Appendix from Kakuzi details these grievances. This appeal signifies that the judgment of the case against Kakuzi on the historical land injustices will be delayed.

The actions and appeals of Kakuzi Plc highlight the challenges in holding corporations accountable for historical land injustices. Nonetheless, the ongoing efforts of the NLC and the marginalized communities continue to push for justice and recognition of their rights.The National Land Commission's (NLC) dismissal of Kakuzi's application to halt the hearing, as well as their ongoing adjudication of historical land claims, are pivotal steps toward corporate accountability. The involvement of the NLC ensures that the voices of marginalized communities are heard in a formal legal setting.

In conclusion, during the court session on April 12, 2024, the judge ordered the representatives of the marginalized groups to submit various documents, including police OB reports, school registers, title deeds, maps showing demarcation areas, human rights reports, and written testimonials of evictions. These documents are crucial in substantiating the claims of the squatters and progressing the case. However, Kakuzi's objection to the submission of these documents in the subsequent court proceedings on May 9, 2024, indicates their ongoing efforts

to delay the case and deny justice. Up to date the case is still ongoing as Kakuzi is still delaying justice.

As an attendee of the court proceedings, I witnessed firsthand the emotional testimonies of the marginalized squatters. Their stories of displacement, unfulfilled promises, and ongoing struggles against corporate exploitation highlighted the deep-seated issues of land injustice and the need for a fair resolution. The resilience and solidarity of these communities, despite decades of oppression, were both moving and inspiring.

The Kakuzi vs. Makuyu Squatters case is emblematic of the broader struggle for land rights and justice in Kenya. It underscores the importance of holding corporations accountable for their actions and ensuring that the voices of marginalized communities are heard and respected. As the case progresses, the support from human rights organizations, civil societies, and legal entities will be crucial in achieving a just resolution and restoring the dignity and livelihoods of the affected communities.

Analysis of GROUP 4: Court Case: Kakuzi PLC vs the Marginalized Squatters.

6.9 A Cry of Agony from Forced Migration!

The court case between Kakuzi PLC and the marginalized squatters of Makuyu, particularly through the testimonies of Witness 1 and Witness 2, highlights the enduring effects of historical land injustices and corporate accountability in Kenya. Analyzing this case reveals complex themes of colonial legacy, land dispossession, and indigenous resistance that resonate with broader literature on decolonization and corporate exploitation.

Witness 1's testimony highlights the trauma of forced displacement and land dispossession. Her family's removal from ancestral lands by Kakuzi in 1978 represents a clear rights violation, aligning with Frantz Fanon's concept of "systematic negation" (Fanon, 1963: 250). Fanon argues that colonial powers commodity land, ignoring indigenous cultural ties and eroding dignity through actions like burning homes. This tactic dehumanizes colonized people, stripping away both their material and emotional connections. Fanon's broader critique condemns colonial

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structures that prioritize economic gain over the cultural and personal significance land holds for indigenous communities (Fanon, 1963).

While Fanon addresses direct violence, Summerfield (1999) critiques the notion of trauma as merely an individual psychological condition, emphasizing its socio-political roots. Witness 1's account reflects collective intergenerational trauma from decades of dispossession, showcasing the need to view the struggles of the Kakuzi community through a broader lens. Her reference to land as "the foundation of our identity and livelihoods" mirrors Gayatri Chakravorty Spivak's perspective on marginalized voices in land justice struggles, illustrating the importance of reclaiming agency within an unequal power structure (Spivak, 1988). This resonates with Ngũgĩ wa Thiong'o and Chinua Achebe's critiques of colonial erasure of cultural identity (Ngũgĩ, 1986; Achebe, 2000).

Witness 2's testimony reveals another facet of land injustice: labor exploitation. His father's 21 years of service to Kakuzi, leading to inadequate compensation, reflects Walter Rodney's analysis of how colonial entities disguise exploitation as development (Rodney, 1972). This dispossession continues as corporate interests overshadow human rights.

Witness 2's dual role as a spiritual and community leader highlights grassroots resistance. His involvement mirrors Amílcar Cabral's assertion that preserving indigenous culture is vital for liberation (Cabral, 1973). Additionally, Kakuzi's tactics to delay the case and co-opt dissent echo Kwame Nkrumah's concept of neo-colonialism, showcasing the ongoing economic manipulation suppressing local justice (Nkrumah, 1965).

The National Land Commission's dismissal of Kakuzi's motion to halt proceedings is a step toward accountability, yet Kakuzi's appeal illustrates the challenges in achieving justice. Edward Said and Albert Memmi's theories on persistent colonial power structures inform this case. Said's notion of 'Orientalism' (Said, 1978) illustrates how corporations maintain dominance over marginalized communities, while Memmi (1965) highlights the psychological impacts of colonialism in these interactions.

Witness 1 and Witness 2's testimonies illuminate the framework of historical trauma as discussed by Mohatt et al. (2014), showing how past injustices shape current socio-economic conditions.

Kakuzi's resistance to submitting crucial documentation further exemplifies the power disparity between corporations and marginalized communities, underscoring the need for external support from human rights organizations.

In conclusion, the Kakuzi PLC vs. Makuyu squatters case exemplifies the struggle for land and dignity amid ongoing colonial legacies. It underscores the resilience of marginalized communities and the importance of collective action and legal advocacy in addressing historical injustices. The testimonies humanize complex legal and socio-economic dynamics, reinforcing that this case is part of a broader fight for justice and decolonization.

CHAPTER 7 GROUP 3: Democracy, Local Governance and Academic Scholar.

7.1 Main Theme: Navigating Power: The Interplay of Democracy, Local Governance, and Scholarly Discourse.

The main theme of Navigating Power: The Interplay of Democracy, Local Governance, and Scholarly Discourse underscores the interconnectedness of governance structures, accountability mechanisms, and scholarly contributions in addressing land-related issues and injustices. This theme emphasizes the critical role of effective governance, which goes beyond mere resource management to encompass transparency, inclusivity, and responsiveness to community needs. In interviewing respondents for this study, the main focus was on gathering insights into the dynamics of local governance, accountability mechanisms, and the role of academic scholarship in addressing land-related issues.

Additionally, in exploring local governance, my aim is to investigate how various factors such as complex legal frameworks, historical injustices, and the need for sustainable land management practices influence decision-making processes. I sought to understand the root causes of land-related challenges and identify potential solutions through insights provided by scholars. Additionally, I was interested in exploring the role of community-engaged scholarship in bridging the gap between academic research and local realities, ensuring that diverse perspectives and lived experiences are integrated into governance practices.

7.2 Government Failure to Safeguard Marginalized Communities

The governance of land resources in regions characterized by historical disputes is a nuanced challenge, as highlighted in the USAID on Land and Conflict Intervention (2022). This complexity is further explored in the work of Kameri-Mbote et al. (2023), which delves into environmental governance in Kenya and discusses the intricacies of implementing constitutional frameworks to address land governance issues. These perspectives underscore the need for comprehensive approaches that blend legal frameworks, community participation, and technological innovations to effectively manage land resources and mitigate conflicts (USAID, 2022; Kameri-Mbote et al., 2023).

During my fieldwork in Makuyu, I had the opportunity to interview three officials from the local government, including two county officials and a physical land planner administrator, anonymized and coded as Respondent 1, Respondent 2, and Respondent 12, respectively. My goal was to gain an in-depth understanding of existing policies, government structures, and the challenges faced in addressing land-related issues at the local level.

In my meeting with Respondent 12, the local land planner, she articulated the bureaucratic hurdles confronting local governance, particularly in light of ongoing court cases involving Kakuzi PLC and displaced residents. She emphasized the lack of genuine commitment from Kakuzi to benefit local communities, stating, "There are ongoing cases in court related to different squatters who have sued Kakuzi to get back their ancestral land." Respondent 12 also noted, "Some local authorities are adamant about releasing public land leased during the colonial era, and the lease has elapsed." Her insights reflect a government failure to safeguard marginalized communities, particularly in their struggle for land restitution.

The challenges faced in reclaiming ancestral lands and the lack of corporate accountability resonate with the concept of neocolonial exploitation (de Leeuw, 2020). Kakuzi's reluctance to surrender land for public use mirrors the power dynamics discussed in theories of corporate power and neocolonialism, further highlighting governmental shortcomings in ensuring justice for marginalized groups.

Respondent 1, a local government representative, provided valuable historical context regarding Kakuzi Land and its integral role in the community prior to colonial intervention. He stated, "Kakuzi Land was part of the community before the colonialists came and combined with their own, just like Del Monte." His narrative underscores the deep-rooted connection between the land and the local population, suggesting that Kakuzi's presence has disrupted longstanding communal ties to the territory. This perspective aligns with broader discussions on colonial land dispossession, highlighting how indigenous communities often faced displacement and marginalization due to colonial expansion.

Moreover, Respondent 1 contrasted Kakuzi's approach with that of Del Monte, noting, "Del Monte, just like Kakuzi, took people's land, like 7,000 acres, but they refunded the land back to the community in 2018. By comparing Kakuzi's practices with Del Monte's restitution efforts,

Respondent 1 implicitly critiques Kakuzi's approach to land governance and community relations. This comparison underscores the potential for corporations to acknowledge historical injustices and take proactive steps toward restitution and reconciliation, as demonstrated by Del Monte's actions (Mwangi,2023).

However, Respondent 1 also highlighted the challenges of determining genuine land rights claimants, stating, "The main challenges are that there are many groups claiming land rights, so it's very hard to know which ones are genuine." This complexity reflects the multifaceted nature of land disputes in post-colonial contexts, where competing claims often arise from historical injustices, demographic changes, and evolving land tenure systems. The presence of multiple claimant groups complicates efforts to effectively address land grievances, emphasizing the need for transparent and inclusive mechanisms for adjudicating land disputes.

Respondent 2 echoed these sentiments regarding Kakuzi Land's historical significance and the difficulties surrounding land rights. He stated, "Kakuzi PLC's presence has had a significant impact on our community, particularly in terms of land rights and access to resources." By referencing Del Monte's land refund initiative, Respondent 2 reinforced the notion that corporate entities have a responsibility to acknowledge past wrongs and engage in restorative justice measures. This perspective aligns with principles of corporate social responsibility, emphasizing the importance of ethical business practices and community engagement in the extractive industry sector.

In conclusion, the insights from the local government officials illuminate the critical failures in governance that have perpetuated the marginalization of communities affected by historical land disputes. Their narratives highlight the need for a comprehensive approach that prioritizes transparency, inclusivity, and corporate accountability in addressing land grievances, thereby safeguarding the rights of marginalized communities.

7.3 Scholarly Insights on Government Engagement in Community Land Decision-Making.

Academic scholars provide critical insights into the root causes and potential solutions for land-related issues, particularly where marginalized communities experience systemic injustices.

Scholars contribute to this discourse through research and by advocating for evidence-based reforms. During my interview with Respondent 13, a scholar from one of Kenya's universities, I sought to gain an academic perspective on governance challenges related to land disputes involving Kakuzi PLC and displaced residents. Respondent 13 shared insights grounded in scholarly research, offering a deeper understanding of the underlying dynamics and policy recommendations. Her contributions enhanced this study by incorporating academic perspectives and evidence-based solutions to issues of land governance and social justice.

Through an online interview, Respondent 13 highlighted the disparities in land distribution and the marginalization of vulnerable communities, advocating for comprehensive reforms to address historical injustices. She emphasized the importance of transparency and accountability in land governance, stating, "My research has uncovered disparities in land distribution and the marginalization of vulnerable communities." She further stressed the need to integrate academic research with grassroots advocacy to achieve meaningful reform.

Her call for addressing historical injustices aligns with the concept of decolonization in *Chapter 3*, which seeks to dismantle colonial structures that perpetuate inequities in land governance (Fanon, 1963). The emphasis on evidence-based reform resonates with anti-colonial praxis, which advocates centering marginalized communities' perspectives in advocacy efforts (Grosfoguel, 2011). Furthermore, Respondent 13's push for comprehensive reforms echoes Frantz Fanon's call for a radical reconfiguration of power relations in decolonization processes (Fanon, 1963). Albert Memmi's (1965) focus on reclaiming agency and identity in the face of oppression highlights the importance of advocacy based on solid evidence in addressing these historical injustices.

Respondent 13 also underscored the critical role of government engagement in fostering inclusive decision-making processes that empower communities. She noted, "When governments actively involve community members in decision-making, it not only enhances the legitimacy of the process but also ensures that the solutions address the actual needs of the people." This viewpoint highlights the importance of community input in shaping policies that directly affect them and reflects the theories of decolonization and anti-colonial thinking, which advocate the inclusion of indigenous knowledge in governance to rectify historical injustices (Bhambra &

Holmwood, 2021). She elaborated further on how meaningful engagement with communities can transform governance dynamics. Historically, decisions impacting marginalized groups have often been made without their input, resulting in policies that do not reflect their realities. "When communities are sidelined," Respondent 13 explained, "the result is a disconnect between governance and the realities people face. This not only breeds discontent but also fosters an environment where grievances can escalate." This statement emphasizes the importance of participatory governance as a mechanism for promoting transparency and accountability.

Respondent 13 stressed that academic scholars have a responsibility to advocate for frameworks that prioritize community engagement. "Our role is to help bridge the gap between those in power and the people who are most affected by their decisions," she stated. By collaborating with community members, scholars can contribute to a more equitable decision-making process, ensuring that marginalized voices are heard and considered in governance structures. Moreover, the collaborative nature of community-engaged research fosters citizen empowerment. When communities are involved in decision-making, they gain a sense of ownership over outcomes, which cultivates trust in governance and encourages civic participation. As Respondent 13 concluded, "True change happens when communities are empowered to take part in the processes that affect their lives. It's about creating partnerships that lead to sustainable solutions."

In summary, the insights from Respondent 13 emphasize the essential role of academic scholars in addressing land governance issues, particularly through evidence-based reforms and participatory governance. Integrating academic research with community engagement can drive meaningful change, fostering a more inclusive governance framework that upholds the rights and addresses the needs of marginalized communities.

7.4 Analysis of the Findings in Chapter 7

7.4.1 Local Governance; the System of Inequality

In this section I am going to discuss the analysis of the findings in Chapter 7. My research reveals that the historical legacies of colonialism significantly shaped the socio-economic conditions of the 'invisible squatters' in Makuyu. This situation echoes Frantz Fanon's (1963)

arguments on the psychological and socio-political impacts of colonization, where the colonial framework has left marginalized communities in a cycle of poverty and disempowerment. The dispossession of land in Makuyu follows a similar pattern of alienation as seen in other post-colonial contexts, where indigenous populations are deprived of their ancestral lands and left to struggle for basic rights and recognition (Rodney, 1972). Kakuzi PLC's role as a major landholder illustrates the persistence of neo-colonial structures, as Kwame Nkrumah (1965) argued, where multinational corporations hold significant power, often at the expense of local populations. As a result, the 'invisible squatters' experience profound inequalities, reflected in their lack of access to land and resources, which are exacerbated by corporate practices that prioritize profit over human rights (OHCHR, n.d.). These dynamics have contributed to long-standing social and economic marginalization, intensifying their struggle for land justice.

In addition to the issues of governance and corporate dominance, I found that the exclusion of marginalized communities from decision-making processes further exacerbates the failures of local democracy in addressing land disputes. The lack of inclusive governance mechanisms denies these communities a platform to voice their concerns and assert their land rights, leading to prolonged struggles for justice. Local governance structures in Makuyu have often prioritized the interests of powerful entities like Kakuzi PLC, while sidelining the voices of the squatters and other marginalized groups. This exclusion not only deepens social inequality but also contravenes the United Nations Sustainable Development Goals (SDGs), particularly SDG 10 (Reduced Inequalities) and SDG 16 (Peace, Justice, and Strong Institutions) (United Nations, 2023). By failing to implement inclusive and participatory governance, local authorities perpetuate historical injustices, further entrenching the socio-economic divide. This observation resonates with Gurminder Bhambra's (2014) critique of modern governance systems that often exclude marginalized groups, reflecting the enduring colonial frameworks within contemporary governance structures. Genuine progress toward land justice and sustainable development can only be achieved through institutional reforms that center marginalized voices, ensuring accountability and transparency in governance while promoting equity and social justice at all levels of decision-making.

CHAPTER 8: CONCLUSION

8.1 From Past to Present: The Continuum of Colonialism and the Path to Decolonization

In this thesis, I delve into the persistent legacies of colonialism, demonstrating how the socio-political and economic structures established during the colonial period continue to shape contemporary societies, especially in post-colonial contexts like Kenya. By examining land dispossession, with a specific focus on cases involving multinational corporations like Kakuzi PLC and marginalized communities in Makuyu, Murang'a County, it becomes clear that colonial practices did not simply fade after independence but adapted into new forms, continuing to exacerbate inequalities especially the extension of Kakuzi PLC land lease to 999 years. These historical injustices, rooted in colonial land policies that prioritized settler and corporate interests over those of indigenous populations, have directly contributed to the socio-economic conditions of what are often referred to as the 'invisible squatters.' These squatters, who live in precarious conditions without legal recognition of land rights, embody the ongoing struggle for justice that traces its origins to the colonial era.

Moreover, this study underscores the critical role of local governance in shaping land rights and promoting social justice. While local governance structures are pivotal in advancing or hindering decolonization efforts, they have often been slow to implement reforms that address the injustices rooted in colonial systems. Advocacy and accountability mechanisms are essential for empowering marginalized communities and ensuring their voices are heard in land governance decisions. The intersection of corporate practices with local realities, as seen in the case of Kakuzi PLC, further illustrates how multinational corporations rooted in colonial business practices continue to perpetuate inequality, often undermining efforts to enact genuine decolonization. These corporations, often with support from international actors, resist structural changes that would prioritize local communities' rights and wellbeing, revealing how economic power remains disproportionately concentrated in the hands of a few, much as it did during the colonial period.

The integration of anti-colonial scholarship throughout this thesis provides a crucial theoretical framework that contextualizes my findings within the broader global struggle against systemic

oppression. By drawing on the ideas of scholars such as Gurminder Bhambra and John Holmwood, who highlight how colonialism continues to influence governance, economics, and social theory, I emphasize that decolonization is not a static or isolated event but an ongoing, multifaceted process. Their critique of colonialism as an intellectual and institutional force offers valuable insights into how modern governance systems—whether in Kenya or elsewhere—are still often structured by colonial-era thinking, particularly regarding land rights, indigenous sovereignty, and the relationship between the state, corporations, and local communities.

Ultimately, my research illustrates that decolonization is far from over. It requires continuous, active engagement with the colonial past and its ongoing manifestations in the present. The struggle for decolonization is not solely about reclaiming physical land; it is a broader process of reclaiming agency, redefining cultural identities, restoring dignity, and ensuring the recognition of indigenous knowledge systems and communal rights. These aspects of decolonization involve transforming not just legal frameworks but also the intellectual and cultural foundations that continue to uphold colonial power structures. This means challenging the prevailing notions of land as a mere commodity controlled by elites, and instead embracing indigenous forms of land stewardship that prioritize community, sustainability, and collective well-being.

As I look toward the future, I recognize that colonialism never truly ended; it merely transformed and adapted to new global realities. The modern forms of exploitation, marginalization, and dispossession I see today are built upon the same structures established during the colonial era. Therefore, my commitment to dismantling these enduring systems of oppression must be ongoing. This requires a sustained effort not only from local communities but also from international actors, including governments, corporations, and academic institutions, to work together to ensure that justice, equality, and sustainability become central to the process of decolonization. The path to a truly decolonized future demands a collective, global effort to confront the past, challenge the present, and build an equitable and just world for future generations.

8.2 Future Research Directions

Looking forward, this study opens several avenues for further research that I find particularly intriguing. One potential direction I envision involves examining the role of local governance in

shaping land policies and their implications for marginalized communities. By investigating how different governance models impact land rights, I believe valuable insights can be gained into effective advocacy strategies.

I am also interested in exploring the intersectionality of gender and land dispossession. Specifically, I want to understand how women's experiences differ from those of men in the context of land rights and ownership. This aspect is crucial for developing a nuanced understanding of the challenges faced by marginalized groups.

Another avenue I see for future research is a comparative analysis of land dispossession cases across different regions in Kenya or other African countries. This comparative approach could reveal commonalities and differences in experiences and responses to land injustices, contributing to a broader understanding of land rights issues on the continent.

Given the ongoing globalization of economies and cultures, I find it crucial to study how global market dynamics affect indigenous rights and land claims. I envision research focusing on the interplay between multinational corporations and local communities, particularly in resource-rich regions, to better understand how globalization influences the struggle for land and social justice. Additionally, the emergence of digital platforms and social media has transformed activism and advocacy. I believe future research could investigate how technology empowers marginalized communities in their fight against colonial legacies, facilitates knowledge sharing, and fosters solidarity across borders. Analyzing case studies of successful online movements could reveal effective strategies for mobilizing support and raising awareness.

Lastly, I see great value in conducting longitudinal studies on intergenerational trauma. Investigating the long-term psychological and social impacts of colonialism on successive generations can provide deeper insights into the processes of healing and resilience. I would focus on communities affected by land dispossession, examining how historical trauma influences present-day identities, relationships, and resistance efforts. These potential research directions excite me and underline the importance of continued exploration in the fields of decolonization, land rights, and social justice.

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Appendix

Appendix 1. Court Documents One to Eleven
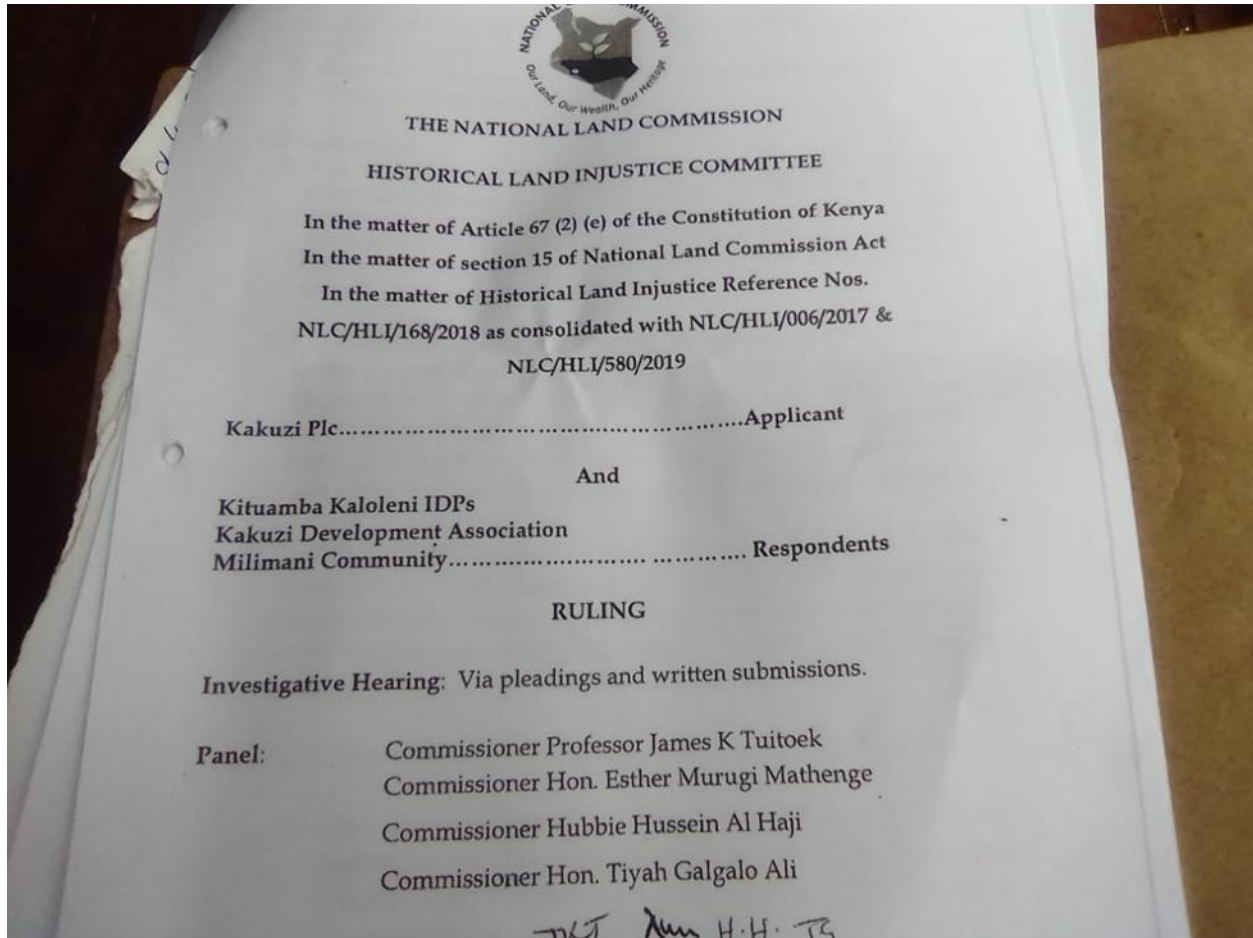
Document One

Appearances

1. Esther Kinyenje-Opiyo Advocate from Kaplan & Stratton Advocates the for the Applicant.
2. Chimei and Malenya & Co. Advocates and Mwangi, Wahome & Co. Advocates for the Respondents.

The Background

1. The National Land Commission received historical land injustice claims from thirteen claimants pursuant to Article 67 (2) (e) of the Constitution of Kenya and section 15 of the National Land Commission Act. The claimants alleged that the land owned by Kakuzi PLC within Murang'a County were their ancestral land but were unlawfully taken away from them.

2. The Commission carried out investigative hearings of historical land injustice claims touching on land held by the Applicant on February 28 and 29, 2024, which investigations are yet to be concluded. These investigative hearings involved both the claimants and the Applicant. As part of these proceedings the Commission conducted a ground visit with all the parties on the land owned by the Applicant on **14/03/2024.**

3. The Commission, however, received three (3) applications by the Applicant all dated **25/03/2024**. On **26/03/2024** the Commission directed the Applicant to serve the Respondents with the Motions within **7 days** from 26/03/2024 and further directed the Respondents on the same day to respond within **7 days** after service.

4. The prayers sought in the Applications are summarized as follows:

   a) That Commissioner Hon. Esther Murugi Mathenge recuses herself for showing bias towards the Applicant during the ground visit conducted on the 14/03/2024 and another Commissioner be appointed in her place.

Document Two

b) That the Commission formulate terms of reference and procedures to guide the second site visit and that further that the commission formulates guidelines to govern the quorum necessary for future proceedings.

c) Any other order the commission deems necessary.

d) Costs be provided for.

5. The Applicant filed written submissions dated 11/04/2024 in support of their Applications while the Respondents opposed the Applications in their entirety through their formal responses.

Analysis

6. We have looked at the pleadings by the parties and written submissions and we now wish to state as follows.

7. The commission finds it necessary to consolidate the three applications and dispose them off as such as they raise the same issues. At the core of this quasi-judicial process the commission is guided by the tenets of the law as enshrined in the constitution of Kenya and legislation. Article 27 (1) of the constitution provides that every person is equal before the law and has the right to equal protection and equal benefit of the law. Articles 47 and 50 of the Constitution of Kenya provides that every person has the right to fair administrative action and fair hearing respectively. The Applicant has indeed heavily highlighted some of these provisions in the written submissions.

8. Article 250 of the Constitution of Kenya and Section 7 (1) of the National Land Commission Act provide that the number of Commissioners at minimum membership shall be 3 and a maximum membership shall be 9. The commission as presently constituted has a maximum of 9 members. Section 19 (1) of the National Land

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Document Three

Commission Land Act and the Fourth Schedule to the Act regulates how business and affairs of the Commission should be conducted. Part 3 (1) and 4 of the Fourth Schedule to the Act respectively provide that a quorum of a full commission meeting shall be not less than half of the members and that a question before the commission shall be decided by a majority of the members.

9. Furthermore, section 16 (1) of the National Land Commission Act provides that the Commission may establish committees for the better carrying out of its functions while section 19 (2) of the Act provides that the commission may regulate its own procedure. The commission established the special committee to hear historical land injustice cases pursuant to section 16 (1) of the National Land Commission Act.

10. We have taken time to reproduce these constitutional and legislative provisions to demonstrate that there are sufficient safeguards within the law to address the concerns raised by the Applicant. Commissioner Hon. Esther Murugi Mathenge is just but one commissioner in the hearing panel and where a vote has to be taken it is only a majority who will carry the day as exemplified above. Any decision by the hearing panel has to be subjected to the full commission plenary of the 9 Commissioners in line with section 19 of the National Land Commission Act and the Fourth Schedule to the Act.

11. Similarly, the site visit that the commission conducted on 14/03/2024 was to compliment the proceedings before the commission for sole aim of the commission to appreciate the location of the land, the public institutions within the land, the investments by the Applicant and the areas where the claimants are claiming. Indeed, Commissioner Hon. Esther Murugi Mathenge has no personal interest in this matter to raise any apprehension on the part of the Applicant having carefully examined all the material before the panel.

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Document Four

12. The Applicant also raised the issue of terms of reference and quorum. It is clear from the provisions of the law cited above that the commission has powers to regulate its own procedure. On the same vein, Section 6(3)(c) of the National Land Commission Act provides that the Commission is not bound by strict rules of evidence. This means the structure and conduct of business before the commission is not one akin to a court of law. It is important to state that the site visits are fact finding in nature and the Commission may use any competent staff of the secretariat and or Commissioner(s).

13. The Applicant also raised concerns on the courtesy call the Commission made to the DCC Murang'a South on 14/03/24. The commission as a tradition and as protocol demands when carrying out such exercises pays courtesy calls to the representatives of the national and county governments across the country. The purpose of such courtesy calls is to let the local national and county government leadership made aware of the exercise and request for security. There were no claimants present during the courtesy call contrary to the Applicant's averments. Indeed, for an exercise of this nature no parties are allowed during the courtesy calls. These claims are therefore unfounded.

14. On the claims by the Applicant to the effect that the DCC Ithanga took charge of the ground visit on the Ithanga side of the Applicant's parcel of land, we have these to say. Before the actual ground truthing began the Commission laid the ground rules for everybody to follow. In an exercise of this nature a few challenges may be evident such as, crowd control. Despite that the commission was in charge but also allowed parties to air their views, propose the routes to follow and participate in the exercise as much as possible on an equitable basis. In instances, where any party was unhappy with what transpired during the site visit, they were equally afforded an opportunity to state their opinions.

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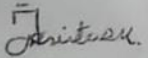
Document Five

Conclusion

15. The Applications dated 25/03/2024 as consolidated before the commission cannot be sustained. The commission makes the following orders as per Article 67 (2) (e) of the constitution and sections 6 and 15 of the National Land Commission Act.
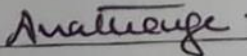
a) The Applications dated 25/03/2024 as consolidated be and is hereby dismissed.
b) The pending investigative hearings will proceed soon thereafter after delivery of this ruling.
c) Each party will bear their costs.

Dated and delivered at Nairobi this day of 12th day of April, 2024.

Signed: _Tuitoek._
Commissioner Professor James K Tuitoek

_____

Chairperson

Signed:
Commissioner Hon. Esther Murugi Mathenge

Matuaye.
_____

Member

Signed: _Hubbie_ Hussein Al Haji
Commissioner Hubbie Hussein Al Haji

_____

Member

Signed: _Loviiyae_
Commissioner Hon. Tiyah Galgalo Ali

_____

Member   JKT Aun. H.H T.G

Document Six

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
CIVIL APPEAL NO. E064 2024

KAKUZI PLC.. APPELLANT

VERSUS

KITUAMBA KALOLENI IDPS ....1ST RESPONDENT
KAKUZI DIVISION DEVELOPMENT ASSOCIATION.................2ND RESPONDENT
MILIMANI COMMUNITY...3RD RESPONDENT

(Being an appeal from the Ruling and Orders of the National Land Commission (Historical Land Injustice Committee) delivered at the Utalii College, Nairobi on 12th April 2024 in NLC/HLI/168/2018 as consolidated with NLC/HLI/006/2017 and NLC/HLI/580/2019).
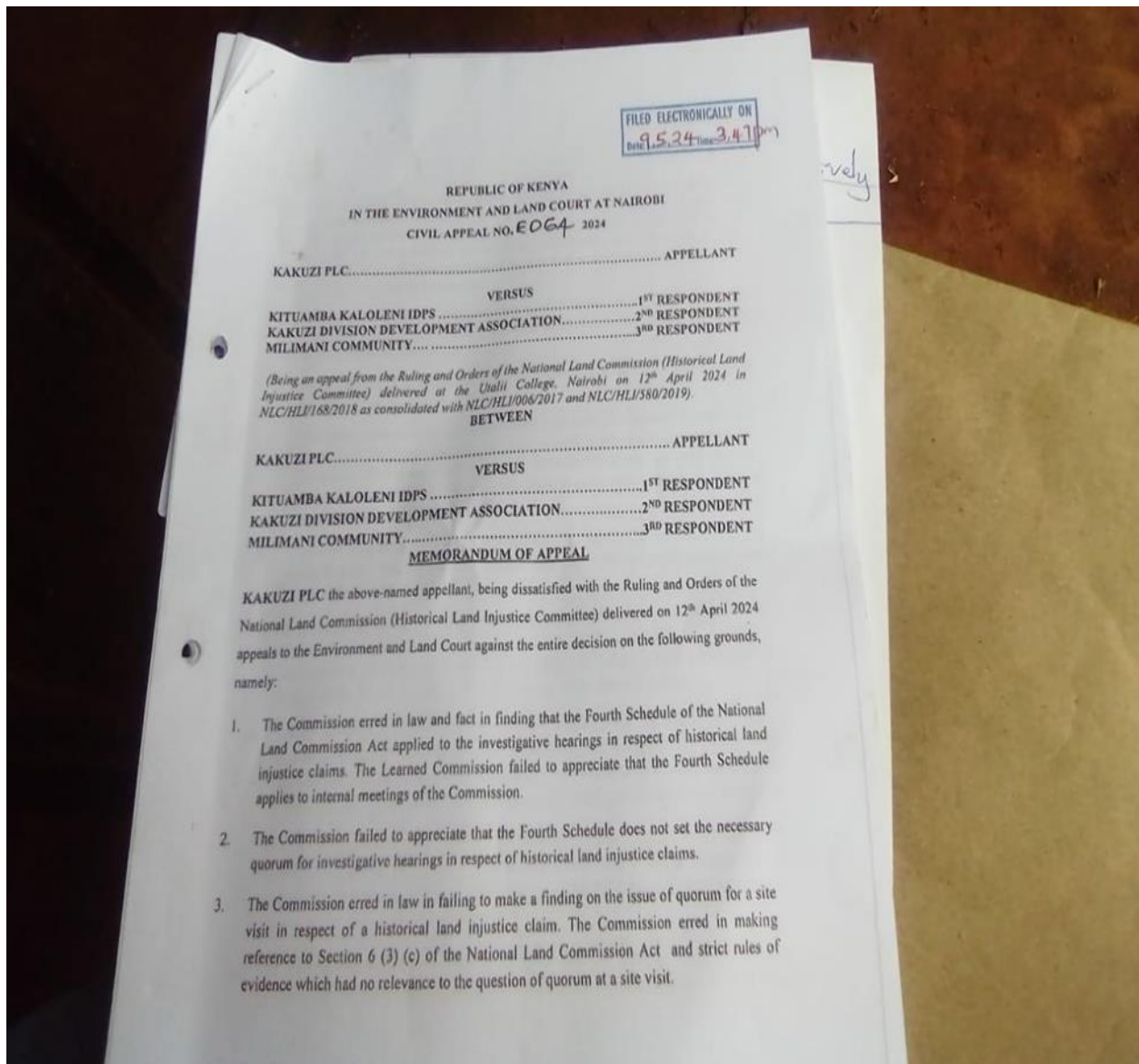
BETWEEN

KAKUZI PLC.. APPELLANT

VERSUS

KITUAMBA KALOLENI IDPS ....1ST RESPONDENT
KAKUZI DIVISION DEVELOPMENT ASSOCIATION.................2ND RESPONDENT
MILIMANI COMMUNITY...3RD RESPONDENT

MEMORANDUM OF APPEAL

KAKUZI PLC the above-named appellant, being dissatisfied with the Ruling and Orders of the National Land Commission (Historical Land Injustice Committee) delivered on 12th April 2024 appeals to the Environment and Land Court against the entire decision on the following grounds, namely:

1. The Commission erred in law and fact in finding that the Fourth Schedule of the National Land Commission Act applied to the investigative hearings in respect of historical land injustice claims. The Learned Commission failed to appreciate that the Fourth Schedule applies to internal meetings of the Commission.

2. The Commission failed to appreciate that the Fourth Schedule does not set the necessary quorum for investigative hearings in respect of historical land injustice claims.

3. The Commission erred in law in failing to make a finding on the issue of quorum for a site visit in respect of a historical land injustice claim. The Commission erred in making reference to Section 6 (3) (c) of the National Land Commission Act and strict rules of evidence which had no relevance to the question of quorum at a site visit.

Document Seven

4. The Commission erred in holding that the Commission may use any competent staff of the secretariat and/or Commissioners (s). The Commission failed to appreciate that a site visit is a critical part of the investigative hearing which would impact on the rights of the parties and that site visit findings are part of the final determination. The Commission failed to appreciate that it was important to have a requisite number of commissioners who were the decision makers during the site visit.

5. The Commission failed to appreciate that it was important to set out the procedures beforehand in respect of the site visit and notify the parties in advance prior to the site visit to avoid haphazard proceedings.

6. The Commission erred in failing to find that the requisite quorum was not achieved during the site visit.

7. The Commission erred in failing to communicate the procedure and protocol for the site visit prior to conducting the site visit and in so doing breached its duty to come up with rules. The Commission failed to appreciate that for any administrative action that would adversely affect any party in respect of land matters required prior notification of the rules and procedure to safeguard substantive rights.

8. The Commission erred in law by failing to deal with the comments made at the site visit and finding that the conduct of Commissioner Esther Murugi Mathenge did not amount to bias against the Respondent.

9. The Commission erred in law by failing to consider that there were other legal tests for bias other than pecuniary interests. The Commission failed to consider the Appellant's submissions on the legal tests for bias. The Commission's finding that Commissioner Esther Murugi Mathenge had only one vote was the wrong test in determining bias.

10. The Commission failed to appreciate that any commissioner for whom there was a reasonable apprehension of bias had a duty to recuse themselves regardless of the number of commissioners in accordance with Article 50 (1). The Commission's ruling was in breach of the Appellant's rights under Articles 10 (2) (b), (c), 50(1) and 159 (e) of the Constitution.

11. The Commission erred in their findings in respect of site visit that the Commission was in control and in charge of the site visit. The Commission erred in failing to appreciate the seriousness of not having procedural rules leading to the DCC Ithanga taking over the site visit.

12. The Commission erred by failing to consider that the National Land Commission (Investigation of Historical Land Injustices) Regulations had been annulled in 2019 **and
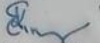
Document Eight

the Commission had yet to come up with new regulations for investigating historical land injustices.

13. The Commission erred in law by failing to consider the totality of the evidence adduced before the Commission.

IT IS PROPOSED to ask the Honourable Court for orders **THAT:**

(a) This Appeal be allowed.

(b) The Ruling and Order of the National Land Commission (Historical Land Injustice Committee) delivered on 12th April 2024 be set aside in its entirety and Commissioner Esther Murugi Mathenge be disqualified from hearing the Historical Land Injustice Claims against the Appellant.

(c) An order directing the National Land Commission to promulgate regulations in respect of the hearing of historical land injustice claims.

(d) The costs of this appeal be awarded to the Appellant.

DATED at **NAIROBI** this 9th day of MAY 2024

KAPLAN & STRATTON
ADVOCATES FOR THE APPELLANT

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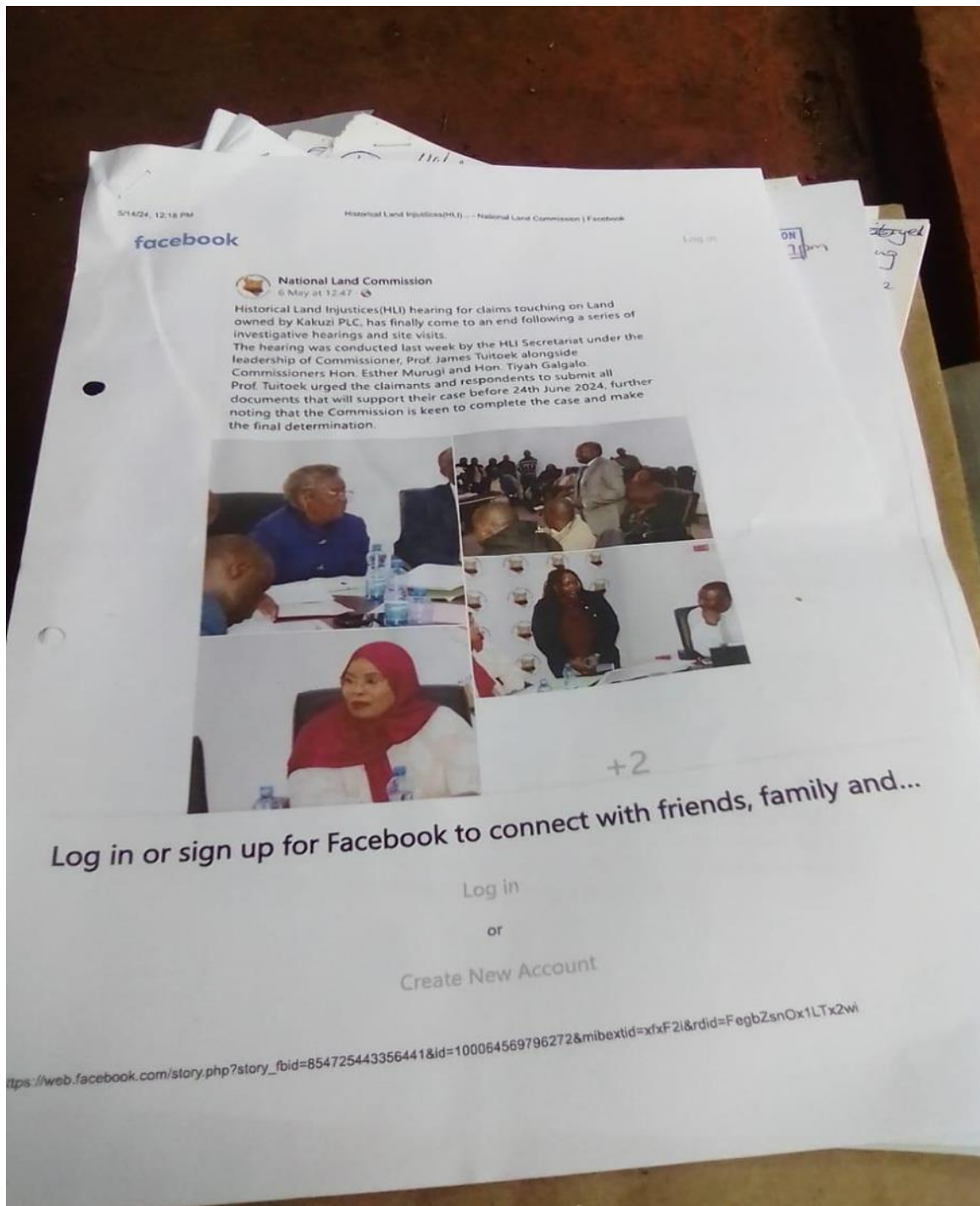
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Document Ten

Document Eleven; A Facebook page from National Land Commission showing when the case ended on 12/ 04/2024 and when Marginalized squatters ought to submit their evidence to support their claim

Appendix 2: Letter of Consent

LiU LINKÖPINGS UNIVERSITET

Date: _____

Subject: Research Information Sheet

Dear_____

My name is Esther Bohman, and I am conducting a research study as part of my master's thesis in Ethnic and Migration Studies at Linköping University, Sweden. This information sheet provides information about the research project you are participating in.

Study Title: Understanding Land Dispossession in Murang'a County, Kenya: A Focus on Historical Legacy, Marginalized Communities, and the Role of Local Democracy and Corporate Involvement

Researcher Name: Esther Bohman

Position: Master Student, Linkoping University Sweden

Contact Information. estherb640@gmail.com.

Supervisor Name: ClaudiaTazreiter,

 Position/Title: Professor of Sociology

 Contact Information- claudia.tazreiter@liu.se.

Purpose of the Study: The primary aim of this research is to explore and understand the complex issues surrounding land dispossession in Murang'a County, Kenya. This study focuses on the historical context, the experiences of marginalized communities who are the squatters, the impact of local democracy, and the involvement of Kakuzi PLC in land-related matters. The goal is to contribute to the advocacy for human rights, social justice, and equitable land distribution, and to inform policy recommendations that could empower marginalized communities and foster justice.

What Will Participation Involve? Your participation will involve a semi-structured interview conducted either face-to-face or through digital platforms like Zoom or WhatsApp, depending on your preference and availability. The interview will consist of open-ended questions related to the research topic and is expected to last between 45 minutes to 1 hour. Your insights and experiences are invaluable to this study, and your voluntary participation is greatly appreciated.

Confidentiality: All information you provide will be treated with the utmost confidentiality. All data will be securely stored only for education purposes and will be discarded after use.

Voluntary Participation: Your participation in this study is entirely voluntary. You have the right to withdraw at any time without any consequences. You also have the right to refuse to answer any questions that you may not feel comfortable with.

Consent: If you agree to participate in this study, please sign the attached consent form. This form outlines your rights as a participant and ensures that you have understood the nature of the study and agree to participate on a voluntary basis.

Contact Information: Should you have any questions or require further information about the study, please feel free to contact me at **Esther Bohman** or my supervisor **ClaudiaTazreiter** using the above email address.

Thank you for considering participating in this research. Your contribution is highly valued and will play a crucial role in advancing our understanding of land dispossession issues in Murang'a County.

Sincerely,

Esther Bohman

Linköping University.

Email; estherb640@gmail.com.

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Appendix 3

Research Information Sheet for Marginalised Communities

Permission Sheet for the Marginalised Communities

I,_____, hereby grant permission to be interviewed for the project titled "Understanding Land Dispossession in Murang'a County, Kenya: A Focus on Historical Legacy, Marginalized Communities, and the Role of Local Democracy and Corporate Involvement" undertaken by Esther Bohman at Linköping University, Sweden .

I understand that my participation in this research is through a semi-structured interview.

I acknowledge that:

1. The information I provide will be used solely for research purposes and will be treated with confidentiality.

2. My identity will remain anonymous in any report or publication resulting from this research.

3. I have the right to withdraw from the study at any time without any consequences.

4. I have the right to refuse to answer any questions that I do not feel comfortable with during the interview.

5. I have been provided with contact information for further inquiries or clarification regarding the study.

I agree to participate in this research study voluntarily and understand the nature and purpose of the study.

Participant's Name: _____

Participant's Signature: _____

Date: _____

Appendix 4

Permission Sheet for the Local governance, Kakuzi PLC, Researchers, Government and NGOS

I,_____, hereby grant permission to be interviewed for the project "Understanding Land Dispossession in Murang'a County, Kenya: A Focus on Historical Legacy, Marginalized Communities, and the Role of Local Democracy and Corporate Involvement" as described by Esther Bohman at Linköping University in Sweden .

I understand that my participation in this research study involves providing insights and experiences related to land dispossession issues in Murang'a County, Kenya, through a semi-structured interview.

I acknowledge that:

1. The information I provide will be used solely for research purposes and will be treated with confidentiality.

2. I have the right to withdraw from the study at any time without any consequences.

3. I have the right to refuse to answer any questions that I do not feel comfortable with during the interview.

4. I have been provided with contact information for further inquiries or clarification regarding the study.

I agree to participate in this research study voluntarily and understand the nature and purpose of the study.

Participant's Name: _____

Participant's Signature: _____

Date: _____