

The Roots Causes of Maasai Predicament

By Navaya ole Ndaskoi

1. Introduction

On two different occasions between August 2004 and January 2005 the Maasai pastoralists of Kenya surfaced in the mass media, both print and electronic.

August 15, 2004 was exactly 100 years after the signing of the controversial agreement between the British Government and the Maasai which allowed British settlers to allocate land to themselves in Kenya at the expense of the Maasai. Claiming that the agreement had expired, the Maasai demonstrated across the Rift Valley and in the capital of Kenya, Nairobi. They also invaded privately own ranches in Laikipia District.

In the bid to protect private property and maintain peace in the country, the Government reacted by arresting several Maasai. In the process the police, reportedly, killed a Maasai.

Secondly, a simmering conflict between Maasai pastoralists and Kikuyu farmers erupted in January 2005 in Mai Mahiu and Mandera locations. In this conflict at least 40 people lost their precious lives, dozens were seriously injured and hundreds fled their homes. Properties worth millions of dollars were destroyed (*The Standard*, February 14, 2005).

These two incidents of conflicts are principally based on landed resources, especially land and water. This paper is an attempt to describe the historical background of the conflicts and their implications to the survival of the Maasai in both Kenya and Tanzania.

Traditionally the Maasai were pastoralists raising mainly cattle but also small stock such as goats and sheep. Given their tolerant attitude towards wildlife, they lived side by side with wildlife. When Europeans came to Africa all of them were, literally, carrying guns.

A hunting spree was sustained for decades. They nearly wiped out wildlife. Later, some wise colonists advocated wildlife conservation. This proved to mean appropriation of Maasai rangelands to create national parks and game reserves (Parkipuny, 1991). Wildlife conservation was, however, *not* the only source of Maasai predicament. Large-scale settler agriculture especially in Kenya was another. Besides, British colonial Government considered the Maasai way of life as primitive and was determined to deal with it as such (Keiwua, 2002). In effect other forms of land uses were encouraged at the expense of Maasai pastoralism which was condemned as 'primitive.'

After 'independence' in both Kenya and Tanganyika[1] the Maasai dilemma surprisingly increased instead of diminishing. The Governments in the two countries retained the colonial mentality against pastoralism (Fosbrooke, 1972). The so-called 'national interest' disarmed the Maasai of their land in Tanzania (Shivji, 1998). In Kenya, politicians, the rich, and British settlers as well as wildlife conservationists chopped off large chunks of what used to be the Maasai territory (Rutten, 1992).

So much so that one often hears the question: 'Will the Maasai survive or perish?' This article answers the question focusing on the suffering of the Maasai in Kenya and Tanzania. This does not mean that others have not suffered in the two countries. To be sure, there are volumes and volumes of books unearthing countless sickening sufferings in the two countries. But the Maasai suffering has rarely been acknowledged.

2. Maasai

Western historians and anthropologists have, seemingly, deliberately, ignored the Maasai point of view and have written Maasai history wrongly.

This part aims to correct, in summary, the myths about the Maasai. It is for the people who wish to know the Maasai, not as 'a powerful tribe of arrogant fierce savages' or 'a curious attractive group that performs ancient war dances while dressed up in outlandish attire,' but as a people with a soul, a history, and a future in a remarkable sort of way.

European writers corrupted the word Maasai to Masai. Sadly, many of contemporary African writers; go on with this error. Do the Maasai originate from Egypt? According to historians they are coming from 'far away in the North.' But exactly where the origin of the Maasai is is something no living person today can honestly profess to know (Sokoine, 1981). The

wide knowledge of the Maasai, extending far beyond the borders of East Africa is 'too often a distorted image and an unduly romanticised one' (Parkipuny, 1975).

Few tribes have attracted as much attention as the Maasai. Historians and anthropologists have written volumes and volumes about the Maasai, yet have failed to puncture the image created by more romantically inclined observers (Adams & McShane, 1992). How did the strange writing about the Maasai begin? The classic colonial *modus operandi* was to first commence by exploration of the lands to be stolen. The likes of Dr David Livingstone and Henry Morton Stanley came to Africa. They returned from Africa with weird stories of 'savages capering around boiling pots of human flesh.'

These were followed by missionaries who introduced Christianity to the Maasai. Two Germans, Dr. Ludwing Krapf and Rev. John Rebman members of the Church Missionary Society are believed to be the first Europeans to contact the Maasai in the late 1840s. Krapf published a book titled *Travels, Researches and Missionary Labours* in 1860 which probably contains the first written description of the Maasai. He wrote:

They live entirely on milk, butter, honey and the meat of black [sic!] cattle, goats and sheep...they are dreaded as warriors, laying all waste with fire and sword, so that the weaker tribes do not venture to resist them in the open field, but leave them in possession of their herds, and seek only to save themselves by the quickest possible flight.

Then the British Royal Geographic Society sent Joseph Thomson to East Africa. In his book Thomson described his first encounter with the Maasai in these words: 'We soon set our eyes upon the dreaded warriors that had so long been the subject of my waking dreams, and I could not but involuntarily exclaim, "What splendid fellows" as I surveyed a band of the most peculiar race of men to be found in Africa' (Thomson, 1885). Isak Dinesen was a fervent admirer of the Maasai. She writes, 'A Maasai warrior is a fine sight.' In effect Dinesen played a role in carrying the stereotype about the Maasai to the extremes. In her book titled *Out of Africa* published in 1972 she said:

Those young men have, to the utmost extent, that particular form of intelligence which we call chic; daring, and wildly fantastical as they seem, they are still unswervingly true to their own nature, and to an imminent ideal. Their style is not an assumed manner, nor an imitation of a foreign perfection; it has grown from the inside, and is an expression of the race and its history, and...weapons and finery are as much a part of their being as are a stag's antlers.

So effective has been this portrayal that many contemporary African writers still view the Maasai through this jaundiced prism. In his *No More Lies about Africa*, for example, Musamaali Nangoli joins the cult by navigating far away from the very title of his book:

For the Masai...a young boy of about sixteen coffee seasons throws himself into the bush bare-handed and kills a lion in order to become a man (Nangoli, 2002:59).

With the possible exception of the Biblical Samson a human being cannot kill a lion bare-handed. It is important however to explain briefly the Maasai social set-up.

Maasai means speakers of Maa dialects. There are several sub-sections that speak Maa (MAA, 2004). Some whose remnants still exist today are IIPurko, ISalei, IIKisonko, ILumbwa, ISikirari, IIKaputie, ILoodokilani, ILarusa, IIDamat, IIMatapato, ILaitayiok, IILoitai, ISiria, IIUasin Nkishu, IIDalalekutuk, IIKeekonyokie, IIKankere, IIMoitanik and many others. Some have been 'wiped out' in tribal conflicts. For example Ildikiri, Ilkoli, Iloogol-ala, Ilaikipiak and Ilosekelai sub-sections have been 'eliminated' (Kulet, 1972).

There are several clans, *injomiei*, in the Maasai society. There are two major clans of society. One is *Oodo Mong'i*, Red Cow and the other is *Orok Kiteng*, Black Cow. Within each clan, there are sub-clans, *ilpaasheta*. Sub-clans in Oodo Mong'i clan are IImolelian, IImakesen and Iltarosero while Ilaiser and Ilukumai are the sub-clans in Orok Kiteng clan. It is noteworthy that members of the same clan respected one another in a brotherly way. A man could not for example marry a woman of his clan because the community considered her his sister - a great abomination in the eyes of the Maasai.

The Maasai men are organised by a system based on age set, *olporo*. Under this system all the boys, on attaining the age of sixteen or thereabouts, are circumcised and accepted into a particular age-set, a unit possessing a single name and a sense of unity. There follows the happiest time of a Maasai man's life. The warrior is not only expected to express the best of human virtues, but also to feel that he is inferior to no one.

Romantically inclined writers talk of the 'military power of the Masai.' But that suggests an organised military machine under a single command implementing a national policy. No such 'nation wide' co-ordination existed. There is not, nor did there ever exist, a single 'chief' of the Maasai, at the apex of the pyramid (Parkipuny, 1975)[2].

Before the introduction of a unified national leadership system hinged on the organisational structure of western societies, Maasai, like other societies in Africa, had its own system of organisation and leadership. There were no rulers but there were leaders. For every sub-tribe each age group had a leader, *olaiwanani* plural is *ilaigwanak* 'elected' by the largest possible assembly of the members of the group. There was also a deputy leader *engopiro* - plural is *ingopir*. Such leaders were 'elected' and functioned only in and through the youth age of the group, *murano*. Besides youth leaders there were

also sub-tribal leaders. Again not rulers, but spokesmen. Same with their deputies. The leadership functions of these spokesmen transcended the age group segmentation.

Neither *ilaigwanak* nor any other person had the power to enforce judgement or order. It was the weight of *public* opinion which compelled the individuals to act as required (for a fuller account of this see Kulet, 1972). In 1933, the British enlisted the medicine men, *iloibonok*, on the pay roll as 'chiefs of the Masai' hoping that at long last they had found the right agents for responsive indirect rule. But the British efforts were in vain. Though the medicine man position enjoyed prestige and influence in the society they could not claim any resemblance of tradition to wielding executive authority. In no time the Maasai came out in protest over the manipulation and insisted that the medicine men should keep out, far way from leadership (Parkipuny, 1975:64).

Contrary to the popular belief the Maasai do not live on a diet of milk and blood. True, the warriors consume these foods extensively, plus the meat eaten at the meat feasts held in special camps, *ilpuli*. The elders, women and young folk eat considerable amounts of agricultural crops, cereals, beans, bananas and others. Warriors take these foods too. But they do it secretly as food not obtained from livestock is viewed as inferior (Ibid.). The Maasai obtained these from the hill dwellers at barter markets at numerous points in the foothills where highlands and plains meet (Kivasis, 1953 & Hollis, 1905).

Maasai lived a pastoral life and traded their cattle for the fruit and grain of their agricultural neighbours. They are still condemned for maintaining 'excessive numbers of useless cattle that deprived wildlife of water and grazing' (Rutten, 2002:4). The Government thus reduces veterinary services to allow nature to assist in de-stocking (Mchome, 2002:106). In effect the 'livestock industry has lost about \$ 136 million over the past 14 years' (*The EastAfrican* January 24, 2005). It must be remembered, however, that in the eyes of Maasai pastoralists there is nothing like 'useless cattle.'

Most of them mostly sell a fraction of their livestock. Even then its contribution to 'the economy' is comparatively substantial. In 2001, for example, the livestock sector earned the Government in Arusha Region TShs.16.7 billion (*Nipashe* September 29, 2001). This sum, however, does not capture the non-monetarised livestock contributions like consumption, manure and draught power. The contribution of the sector outstrips by far that of the wildlife-based tourism industry. All protected areas in the same year contributed, if much, not more than TShs.10 billion in Arusha in the same year (*Business Times* March 3, 2000). And the Government supports wildlife and tourism.

Next the paper turns to the most controversial problem facing the Maasai.

3. Land Alienation

In the name of development the Maasai have lost a huge part of their ancestral land. Alienation of Maasai land for agriculture and for the interest of wildlife conservation is one of the main blights facing the Maasai in both Kenya and Tanzania.

It is said Maasailand extends from Mkomazi through Upare to the southern foothills of Mount Kilimanjaro and runs northward between Mount Kilimanjaro and Mount Meru, Olng'elata (Kivasis, 1953). To the West the Maasai took in the whole of Maasai Steppe extending southwards to include today known villages on the Handeni-Kondoa road, Swakini, Kijungu and Mgera. The extreme westerly limit is the West of the Serengeti (Fosbrooke, 1972). It is a large territory covering a total of 105,105 square kilometres. The Kenya/Tanzania border line cuts across Maasailand for kilometres stretching from West of Mara River to the eastern slopes of Kilimanjaro Mountain. During colonial time Maasailand was divided into four administrative Districts namely Narok and Kajiado in Kenya and Monduli and Kiteto in Tanzania (Parkipuny, 1975).

The British came and condemned the Maasai for being wanderers who must be dealt with as such, virtually, to prevent them from 'destroying the environment and wasting or under-utilising the land.' Justice Moijo ole Keiwua notes with grave concerns:

The British who came, saw and coveted the land disrupted communal land ownership. A hasty study of the Maasai was undertaken with equally hasty conclusions made. The rights of the Maasai to own their land had been watered down to mere grazing rights...Eliot cannot in fairness call the Maasai wanderers. Between the Maasai on their land, and the British who had wandered all the way from little England, who was a wanderer? (Keiwua, 2002).

In Africa, like elsewhere, at the dawn of the 20th century the British used tricks and, more importantly, their military strength to alienate land to British settlers at expense of the local populations (Vambe, 1972). The British applied the same techniques to deprive the Maasai of their ancestral land (MAA, 2004). The problem is expressed well:

The British tricked us! After we had been weakened by civil wars and droughts, they claimed that our Great Laibon, O'lonana, had signed an agreement in 1904 with His Majesty's Commission for the East African Protectorate, leasing Kenya to the British. The Maasai would never have accepted such a lease! This would have confined us to an arid, dusty land of thousands of miles where the threat of drought...is imminent (Saibull & Carr, 1981).

He is referring to the so-called Anglo-Maasai Agreements' prepared by the British colonialists on August 10, 1904. That 'agreement' was signed on August 15, 1904 between the British colonial Government and the Maasai in Nairobi, the present day capital of Kenya. The Governor, Sir Donald Stewart, represented the British while Olonana ole Mbatiany 'represented' the Maasai. The 'agreement' stipulates that:

The Masai leaders 'of our own free will', decided that it is for our best interests to remove our people, flocks, and herds into definite reservations away from the railway line, and away from any land that may be thrown open to European settlement (*New York Times* August 25, 2004).

Olonana had no mandate to sign away the Maasai land. He was neither Maasai leader nor representative. He was a mere medicine man. Commenting on the 'agreements' Justice Nzamba Kitonga, former Chairman of the Law Society of Kenya, argues:

In these circumstances, you do not need a lawyer to tell you that the so called Anglo-Maasai land agreement was a gigantic fraud and has no binding effect upon the Maasai, the government of the Republic of Kenya or any other person. And the government knows all this (*The EastAfrican* September 6, 2004).

The Maasai on their part did not, and had no reason to, abide to a null and void agreement. To the Maasai, land was theirs and not a property to be owned like a horse by individuals. Any lease was, and still is, a foreign concept to them. They thus ignored it. The British effort was therefore in vain. The British colonialists came up with yet another 'agreement' signed by the same sometimes in 1911. The Maasai reaction was immediate.

In 1912 a group of Maasai, led by Mr Murket ole Nchoko, filed a suit in the court of Mombasa seeking to nullify 'the agreement.' The Maasai basic contention was that the elders who signed the agreement had no authority to 'alienate the interest of minors and unborn children.' But the case and a subsequent appeal were dismissed as the court ruled the agreement was actually a 'treaty' between two 'states' and that the court had no jurisdiction to handle such cases. The Maasai did not give up. They planned to lodge a final appeal in London. This was nipped in the bud when the protectorate quarantined the Maasai cattle when it learned of efforts to sell cattle and raise money to file the case (*The EastAfrican* August 16, 2004). It was clear that the Maasai were losers.

The British told them to stay out, away from what used to be their land. They should stay far from the then Uganda Railway. The British equally robbed other Kenyans. Their misadventure in Nandiland is responsible for the famous Nandi Resistance 1850-97. Only when the Nandi were defeated, not easily, did the British take their land. Kikuyu, Embu, Meru, Kamba and other Kenyans were also deprived of their land. That was the rule wherever the British saw attractive land in Africa. They grabbed it. Everything grows on and off the land. Without land no life. The First and Second World Wars plus their consequences weakened the British. The turmoil between imperialists was itself development by contradiction. On the other hand Africans who were in the battlefields came home with arms and more military skills, the armed struggle against British rule was just around the corner. To survive the looming war the British had to live on Commissions. In 1932 they formulated the infamous Carter Land Commission.

That Commission did not return any land to any Kenyan. Mau Mau, the militant African nationalist movement became a full-scale fight; The Mau Mau War 1952-6. It advocated violent resistance to British domination in Kenya (Maloba, 1998). It was especially associated with the ritual oaths employed by leaders of the Kikuyu Central Association to promote unity in the independence movement. In October 1952, after a campaign of sabotage and assassination attributed to Mau Mau fighters, the British Kenya Government declared a state of emergency. It began four years of military operations against Mau Mau fighters. By the end of 1956, more than 11,000 fighters had been killed in that war, along with about 100 Europeans and 2,000 African loyalists. More than 20,000 other Africans were put into detention camps, where intensive efforts were made to convert them to the political views of the colonial Government, to abandon their nationalist aspirations. Despite these actions, Mau Mau resistance spearheaded the Kenya independence movement under Jomo Kenyatta (visit onwar.com).

The British established the R.J.M. Swynnerton Commission in 1954. Swynnerton's Report on *How to Intensify the Development of African Agriculture in Kenya* was aimed at the privatisation of land ownership through the displacement of Indigenous Land Tenure systems and replacing it with a system that entrenched private property rights along the lines of the English Land Law. The Swynnerton Plan, adopted in 1954, advocated individual land tenure and export cash crop production for Africans. The landless agricultural population was thus compelled to encroach on and overcrowd Maasai land.

In the meantime the British saw clearly that they would never defeat the Mau Mau fighters. Only then did they succumb to 'dialogue' which means the Lancaster Constitution 'talks' of 1962. The war ended but the Maasai were marginalised. The leases giving British settlers the Maasai land, according to former Kajiado North MP John Keen, were premised on manipulation. This fact, Keen says, 'has always been protested by the community leaders who walked out of Lancaster Constitution talks...over the issue. The Maasai leaders always walked out of the talks to protest the dubious agreement leasing their land to British settlers' (*The Standard* August 30, 2004).

Meanwhile in the Lancaster Constitution 'talks' the British succeeded in assuring that the African leaders who took over were going to protect the British interests. These were written in the new Constitutions (Mohiddin, 1981). An agreement was reached on the white highlands, the best land that was expropriated from Africans, in which select Africans would be permitted to buy some of the land there with money lent to them from the British Government in London (Gutto, 1981:54-5). The new leaders, including Kenyatta, who were once extremely adamant about the return of these lands, had no objections (Ake, 1986). Independence in Kenya, like elsewhere in Africa, was to be no more than a gradual Africanisation of the colonial administration (Fanon, 1967).

On December 12, 1963 Kenya finally became 'independent.' Kenyatta became the first President of Kenya under Kenya African National Union, today better known as KANU. KANU ruled Kenya for nearly 40 years. Daniel T. Arap Moi assumed power following the sudden death of Kenyatta in 1978. What about the land question? It was *never* solved.

4. The Germans Version

In Tanganyika, the Germans for their part pursued a similar policy and attempted to confine the Maasai to the South and East of 'the Great North Road.' They permitted the brothers Adolf and Friedrich Siedentopf to grab land in the Ngorongoro Crater and set aside the Serengeti for sheep farming (Parkipuny, 1975). The Siedentopfs tried unsuccessfully to exterminate wildlife to give room for two farms in the Crater (Grzimek, 1960). Germans appropriated numerous farms around Mount Kilimanjaro and Meru. The Maasai sub-tribe, Ilkisonko from the plains of these mountains moved to Ngorongoro.

The Maasai had to lose mountainous areas first. This is because, naturally and for very good reasons, they prefer to live on the plains rather than in the highlands. Maasai, though sentimentally attached to the highlands, prefers life on the plains. Cattle thrive better and fatten quicker there. Humans are less liable to bronchial trouble than in the damp, misty, highlands, and because the waters are temporary, malaria usually presents little problems. It is possible that Germans found few or no Maasai on the highlands, thus justifying land grabbing as the land was supposedly idle or underused or wasted.

The 'Sanya corridor' comprised a series of German demarcated farms and ranches, such as the present day West Kilimanjaro ranch, which the British held back from re-alienation so as to allow the Maasai to the North and West of Kilimanjaro and Meru to cross over the saddle between the two mountains and utilise the grazing of the Sanya Plains and beyond. As part of boundary readjustments, which led to the notorious Meru land case, the Maasai lost this corridor and much of the Sanya Plains as well (Fosbrooke, 1972). In 1955 Lolchoro area South of Arusha town was the scene of large-scale alienation.

On the foothills of Mount Munduli where there is the comparative favourable climate, the colonialists appropriated huge lands for themselves. The notorious Monduli Coffee Estate was established in 1931 though it existed before that year. Frank Anderson, an Australian criminal, annexed for himself the land that was to become Rasha Rasha Coffee Estate. Mr. Joseph Benesta owned another massive Tarosero Coffee Estate whose remains can still be seen at the West of the present day headquarters of Monduli District.

All told, Greek and Boer settlers attempted to establish wheat and sisal plantations in either side of the present day Arusha-Dodoma Road as far as the eye can see. However these farms did not succeed. But the plains still bear the names, *Inganui*, places of wheat and *Irkatan*, places of sisal in Maa language. German settlers went as far as Lepurko and Losimingori where they established ranches. The present day Manyara ranch was established during or around that time.

When the Germans were defeated in the First World War, according to the Versailles Treaty, they had to nominally lose their territories abroad. That was how Britain came to take over Tanganyika in the early 1920s. The war-weakened British could not start massive settler plantations in Tanganyika (Shivji, 1998). It opted for the 'indirect rule' policy which consisted of a campaign to settle peasants in Maasailand (Parkipuny, 1975).

Meanwhile they established a few plantations and tried to develop those left by the Germans. Around 1926 the Oldeani coffee plantations started and led to the construction of the road from Mto-wa-Mbu, and a subsequent branch road to Mbulu which was previously approached from Mbugwe, or from the South via Dabil. The opening up of the Oldeani also permitted Murrels, the then District Commissioner Maasailand, to put the very first road up to the Crater rim from Kampi Nyoka around 1932 (for discussion see Fosbrooke, 1972). This was followed by the intensification of wildlife carnage and further marginalisation of Maasai who were already at their lowest ebb of suffering.

In 1961 Tanganyika gained 'independence.' The new Government seemingly wanted to exceed the colonial ones by appropriating Maasai land. Nationalisation created over 400 parastatals including a number of big agricultural and ranching corporations. District development corporations were also established. These and other state organs were involved in what are called 'national projects.' Village lands were alienated to state organs like the army and prison services without consultation of the villagers (see Lane, 1996 & Shivji, 1998). This is how Oljoro National Service, Tanzania Military

Academy, Makuyuni National Service, among others, acquired vast lands.

In practice, lands taken over in the name of the state or in 'public interest' very frequently ended up being used for private benefit of the state bureaucracy and leaders. Alienation of over 100,000 acres of pastoral land for the joint Tanzania-Canada Wheat Complex - now a monument of bad development - in Hanang District of Arusha Region northern Tanzania stands as one of several prime examples (Lane, 1996). National Food Corporation and Tanzania Breweries established similar farms at Loliondo, Munduli Juu, and West Kilimanjaro. In short Maasai land alienation multiplied after colonialism.

To add insult to injury, small-scale cultivation opened its mouth wide enough to threaten swallowing the remaining Maasai land. The Government supports the spontaneous and organic immigration of peasants onto rangelands, citing common rights of all citizens for resources within the borders of their country, irrespective of places of origin. Massive wildlife conservation areas were also created.

5. False Promises

In Kenya, Mau Mau struggle for independence was principally based on land. The KANU candidates won the first election on a platform committed to creating, according to KANU Manifesto, 'a democratic African socialist Kenya' (cited in Mohiddin, 1981:38). No Professor in Double Standards could have divined that the same politicians almost the same time could make one of the biggest U-turns in Kenya politics. In a speed almost *like* that of light the socialists became imperialists (Babu, 1981).

The Government of Kenya inherited a monstrously oppressive colonial system. It straightaway went to recognise the colonial legal framework with a few legislative amendments here and there. What followed is most striking. Remember that the British believe that they had the heavy 'burden of civilising Africans.' The colonialists came and condemned the Maasai for being wanderers who must be dealt with as such.

By some twisted sense of logic, the British who had wandered all the way from little England, had the boldness to describe the Maasai as wanderers. This was, virtually, to prevent them from 'wasting or under-utilising the land.' They saw the Maasai way of life as 'primitive.' The new African leaders in Kenya proved to have little better understanding of pastoralism. They too considered pastoralism 'backward.'

Likewise, in an uncalled-for rally to sedentarise the Maasai, the Food and Agriculture Organisation (FAO) and the United Nations Development Programme (UNDP) set out rolling into Kenya. They funded private ranches programmes against the Maasai will (Rutten, 1992). The Maasai, for example, categorically refused the setting up of ranches in Kajiado District. They were evicted. Water was piped from the Ngong Hills to the area. Then the farms were given to 'progressive' Maasai families. Such families were of Christian or Maasai urban dwellers (Parkipuny, 1975). So new style settlers were made.

Meanwhile conservation areas, many of them in the Maasai territory, were established. The largest concentration of wildlife as well as wildlife-protected areas remaining on earth is in pastorals territories in East Africa. In Kenya alone they are Masai Mara Reserve, Amboseli National Park, Nairobi National Park, Tsavo [East & West] National Parks, Nakuru National Park and a host of private game sanctuaries.

In Laikipia District 38 settlers whose ancestors came to Kenya during colonial times hold over one million acres leaving almost nothing to well over 40,000 Maasai. In Narok and Kajiado Districts Britain tests its new military hardware. 'The British army has conducted live-fire weapons training in Kenya since 1945, when London was still the colonial ruler' (visit irinnews.org). Two complex issues arise from the British military training in Maasailand. One, it has pushed the Maasai pastoralists off from their rangelands. Two, an 'estimated 500 Maasai herders from northern Kenya have been killed or seriously injured by ammunition left on the firing range' (visit democracynow.org).

Meanwhile politicians from other Kenyan communities openly encouraged further encroachments into Maasai pasturelands (Keiwua, 2002). In the Memorandum to the Njonjo Commission on Land Law from the Communities of Ololulunga and Melelo Locations of Narok District, the communities argued that:

The Constitution of Kenya contains elaborate safeguards against violation of the right to private property. It matters not whether such private property is group owned land under the Land Act. Yet a Councillor from Mulot side, who in a public meeting called by the Provincial Commissioner, Rift Valley in 1999 to reconcile the Maasai and the Kipsigis, dared to say that the Kipsigis would continue to invade Maasai owned land until such time the Maasai had given birth to enough children to fill up their land (Mwenesi, undated).

In Kajiado District encroachment into Maasai land is worse. The Maasai are becoming landless. In the Memorandum of Grievances to the Commission of Inquiry into Land Laws of Kenya, the communities of Ilodoariak and Moriso Land Adjudication Sections of Kajiado District made themselves heard clearly. Mwenesi again:

We the distressed and deprived communities of Ilodoariak and Moriso were encouraged by the words of the Commission's chairman who pledged to Kenya Public that all titles acquired otherwise than in strict accordance with the legal procedures will be cancelled. We believe

you Mr. Chairman. We also believe that in this pledge your Commission has set out to put right what had been put wrong by the failure on the part of those who were supposed to impartially and disinterestedly administer the law.

It was the waywardness in the non-application or observance of the clear and unambiguous provisions of the Land Adjudication Act (Cap.284) that is responsible for our being deprived of our ancestral lands... The provisions had been misused and abused by a no less a person than the then Minister for Lands and Settlement, whose wife, despite not being an ordinary resident of any of these sections, was enabled by equally unscrupulous Government officials to acquire two farms, one in each of these Land Adjudication Sections. To our mind, that was the clearest case of abuse of office. We are at a loss why this-well known-then-Minister has not been made to face the full force of the law (Mwenesi, undated).

The struggle for a fair land tenure and security of land for all proved ineffective throughout the KANU rule. Evictions, massive corruption and violence were a rule rather than an exception during the rule of ex-President Daniel Arap Moi.

6. The Beautiful Ones Are Not Yet Born

Corruption and lawlessness forced Kenyans to a historical political action. For the first time since 'independence' KANU was defeated in the general election in 2002.

The newcomers won through the National Rainbow Coalition (NARC). This fragile alliance of more than 10 opposition political parties cobbled together in the last few months before the election, promised a new Constitution and to fight corruption. But the new actors are a *recycling* of old guards. Far from representing any political break from Moi and KANU, NARC is made up of top KANU leaders, many of whom jumped ship in the last few months as internal divisions wracked KANU and Moi lost his grip on power.

Mwai Kibaki, the President, himself was Moi's Vice-President from 1978 to 1988. He only stood against Moi in the elections of 1991 and 1997, when Kenya's elite agreed to hold multiparty elections under pressure from the West. One of the NARC leaders is George Saitoti, Vice-President of Moi until September 2002. Moi sacked him for not supporting his chosen candidate, son of Kenyatta. He was finance Minister in the 1990s and is implicated in scams in which hundreds of millions of dollars were looted. Whether NARC is going to deliver the new Constitution of Kenya remains to be seen.

The Maasai struggle for their land continued nevertheless. It only took the new shape in August 2004. The Maasai demonstrated in Nairobi and across the Rift Valley Province, which used to be their territory. Their message was a simple one: 'We need our land back' (*The EastAfrican* August 16, 2004). John Letai is the President of the Organisation for Indigenous Peoples of Africa (OIPA). He says, with some bitterness, that:

The Laikipia situation has been rather volatile. We have the ravaging drought killing thousands of our animals while we are seating on a gold mine. The land next to us is electrified with all the lush pasture. Elephants, zebras and all other herbivores are having a holiday in these so called settler ranches while the rightful owners whom history deprived of this gold mine are languishing in abject poverty (pers.comm September 11, 2004).

The police suppressed, by brute force, the demonstrations. An elderly Maasai, Mr Ndinai Moiyare, was reportedly shot dead by the police and many others were wounded. Then over 120 were arrested. The actual damage suffered by the Maasai in terms of lives, injuries, and loss of property during their clashed with the Kenyan police is not clear. The Government of Kenya is still sitting on the figures. Its reaction to this rather chilling matter was unfair. One gets the sense of an institution that has lost its way, departed from its mandate, became confused about what it is exactly doing and why. The confusion is captured in the words of the Minister for Lands, Amos Kimunya. He notes with pride:

There were no 99-year leases, as far as I am concerned. If there are any I would be happy to look at them. From my own list of all these places, I can see 999-year leases...I am asking the people not to attempt to invade private property (*Daily Nation* August 25, 2004).

In his kind of logic the Kenyan Constitution protects stolen property. Nzamba Kitonga, former chairman of the Law Society of Kenya, tells him to eat his heart out:

The Minister of Lands, Amos Kimunya, being the man currently at the wheel, should not make impulsive, shortsighted, makeshift policy statements. He must understand that his long-awaited appointment with history has come...[the Government] also knows that because the agreement was illegal, it is immaterial whether it was for 99 hours, 99 days, 99 months, 99 years, 999 years or 999 centuries. He must in this new dispensation resolve the land question in Kenya once and for all (*The EastAfrican*, September 6, 2004).

It is exceedingly unlikely that politicians in Kenya will listen. They have 'no intention of following Mr Mugabe's example. Uprooting the ranches, government officials said, would be disastrous for the economy, which relies heavily on Western assistance and on tourism, a major source of hard currency' (*New York Times* August 25, 2004).

The matter has caused a rift among politicians in Kenya. While the 'leaders acknowledge the community has genuine grievances, they are quarrelling over how to address the issue' (visit.allafrica.com). Francis ole Kaparo is the Speaker of the Kenyan Parliament. The Maasai levelled grave charges against him. The charges, most of which he strenuously denied, includes this one from a Kenyan who requested anonymity:

As far as the politicians are concerned, Ntimama, Nkaiserry, Konchella have come out in support of the Maasai. The Pastoralist Parliamentary Group has also visited...and issued a statement in support of the Maasai. The media and clergy for the first time have also supported the Maasai and urged the government to address the Maasai issue once and for all. Unfortunately Kaparo who happens to be the speaker of the national assembly and coming from the area does not see sense in all these. He has been brain washed by the...settlers.

These are just allegations. However Kaparo has never convincingly denied them. What is in records is something to this effect: 'Yesterday, Speaker Francis ole Kaparo maintained "outsiders" who also wanted to undermine him politically were inciting disorder in Laikipia District in the name of seeking land ownership redress' (visit.allafrica.com). Accused number one is John Keen who is the former MP for Kajiado North.

His sin? He stated: 'It is criminal and immoral to let their [Maasai] cows die by denying them access to ancestral land taken away by colonial cheats.' William ole Ntimama, Minister in the Office of the President of Kenya in charge of Public Service, is also 'being accused of *inciting* his community to invade private land' (*The EastAfrican* August 30, 2004).

The meeting called to discuss ways of settling the Maasai demand for land was held in the 10th floor conference room of Harambee House, Nairobi, on September 07, 2004. It was called by Dr Chris Murungaru, National Security Minister, to ask Maasai and Samburu leaders to pacify those of their people who had started to invade lavish settler farms in Laikipia. Murungaru chaired the meeting. William ole Ntimama attended. Other who took part in the meeting were Education Minister George Saitoti (Kajiado North), assistant Ministers Gideon Konchellah (Kilgoris), Simeon Lesirma (Samburu West), and Mwangi Kiunjuri (Laikipia East), and MPs Joseph ole Nkaiserry (Kajiado Central), G.G. Kariuki (Laikipia West) and National Assembly Speaker Francis ole Kaparo. Participants suggested that KShs 10 billion as a possible compensation figure for the land the Maasai lost in Laikipia District alone. Ntimama, it is reported, stood up straight and said:

...the battle for lost land would not end until the Maasai were given compensation...The Maasai were not demanding that they should be allowed to go back to their lost farms but instead should be compensated for their land[3].

They concluded that the Maasai do indeed 'have outstanding issues that require attention' (visit. gumii.org). In the eyes of pastoralists in Kenya, 'the few commercial ranchers, regardless of their ethnic background or when they acquired the land, represents the forces of dispossession that dates back 100 years ago' (*Daily Nation* August 25, 2004).

7. A Complex Situation

What about the settlers? Many of them have no idea that they are living on a borrowed time. For example Jeremy Block, a descendant of British settlers told *Reuters*, 'They have invaded all the ranches around here, they have destroyed an awful lot of property and it is time for law and order to take control.' The thinking continues 'The police need to be harsher...There need to be more arrests. We need quicker, more forceful action' (*New York Times* August 25, 2004). Some settlers, however, beg to differ.

In a telling admission, Michael Dyer, a settler of British ancestry who own 32,000-acre Borana ranch in Laikipia, sees the problem. Dyer cleared his chest: 'Everyone knows there is a land issue here. It is causing quite a lot of distress now to the [Maasai] community...My feeling would be let's get everyone around the table and let's get some proper interpretation of the Maasai agreements, and let's start the process of reconciliation' (visit news.bbc.co.uk). But the Maasai say it is too late.

The *BBC* reports that Simon ole Kaparo, one of several Maasai front liners in the struggle, says the time for dialogue is gone and that the Maasai will not accept any deal short of the return of all their land. He argues in no uncertain terms, 'There will be no dialogue.' He added: 'We didn't have any dialogue for 100 years, why should we have one now. We can't have any dialogue now...We want our land back.'

One of the arguments put forward in defence of settlers is that the Maasai will destroy the land. There is a stark and visible contrast between the different regions of Laikipia Maasai areas are bare and brown, the grass is baked a bright yellow in the dry season and there is little sign of wildlife. The settlers' ranches are lush and vast herds of wildlife roam behind electric fences. Dr. Lotte Hughes, an East African historian at St Antony's College, Oxford explains: 'They were confined to reserves, banned from leaving them' (visit guardian.co.uk).

The Maasai demonstrated towards the British High Commission in Nairobi. They wanted to tell the British Government in London through the British High Commissioner to Kenya to take responsibility of Maasai landlessness, which springs from British colonialism. John Letai, President of OIPA, notes:

On the 13th August we held a national wide demonstration and presented memorandums to the Kenya Government and attempted to present to the British High Commission but because of the colonial mentality and arrogance he refused to meet the Nairobi team and instead referred them to a gate keeper whose only job in that embassy is to record vehicles coming in and going out. We held a second attempt on the 24th and hell broke loose. Our Governments as you know are subjects of colonial masters and yokes of dictatorship. It let the police disperse

To this day of writing the British Government said nothing concerning the conflict. The Kenyan Government too has pushed the contradictions under the carpet, from which they will surely emerge sooner or later probably in a more ferocious form.

The wildlife-based tourism business complicates further the possibility for land redistribution. For this particular reason the paper looks at how the income accrued from the sector is shared in the efforts to achieve development in both Kenya and Tanzania.

8. The National Income Factor

In Kenya and Tanzania, and throughout *underdeveloped* countries, 'the economy' is used to justify tempestuous decisions which hurt the poor of the world (for uncompelled illustration see Hancock, 1989). For this particular reasons the paper examines, albeit briefly, the beneficiary of the national income in the two East African countries.

The Maasai are victims of 'development' in general but wildlife conservation in particular. Serengeti National Park, Tarangire National Park, Lake Manyara National Park, Arusha National Park, Ngorongoro Conservation Area, Maasai Mara Reserve, Amboseli National Park, Nairobi National Park, Tsavo [East and West] National Parks, Mkomazi Game Reserve, to mention a few examples, are in or adjacent to what was, and still is, the Maasai territory. What do they get out of wildlife conservation?

In the two countries, the tourism industry is based on wildlife conservation. It is considered the jet engine empowering the exchequers. The two Governments benefit financially and rhetorically from the tourism sector. It is often argued that policies must serve political, social, and cultural as well as economic ends. But the revenue earned from the tourism sector is much more of a priority for the international multimillion companies and Governments officials than the plight of rural people, especially the poor.

Land allocated to wildlife conservation is reserved for tourists and investors who are mostly foreigners. Foreign investors reap as much profit as possible. In both Kenya and Tanzania 'much of the foreign currency that comes in through such sectors as tourism gets siphoned out' (*The EastAfrican* February 28, 2005). In Tanzania for example, the Executive Director of the Tanzania Tourist Board, a Government body for promotion of tourism, said with admirable if astonishing frankness:

foreign investors own about 80% of the entire tourist hotels and lodges. They own nearly 90% of the air travel and about 90% of tourist hunting business and transport. About 60% of all tour operator firms (*Business Times* December 28, 2001).

Head of the Delegation of the Commission of the European Union William Hanna, said, 'During the European summer the long-haul jets have been full of tourists arriving in Tanzania' (*Utalii* August, 2001). Professor Seithy Chachage, of the University of Dar es Salaam adds: '...just after Christmas in 1996, two chartered planes landed in Zanzibar, straight from Italy with more than 2,000 tourists who were going to spend their time in the beaches of Zanzibar and then fly to Arusha and back home' (Chachage, 2000:186).

At this point one may make some financial assumptions. One: assume the said 2,000 tourists visited Ngorongoro Conservation Area which is in the Arusha Region. They were accommodated in a foreign owned hotel for two days. Each tourist paid, to be lenient, a total of US \$ 150 fees for all hotel expenses per day. The hotel owner (X) earned a total of US \$ 600,000 in two days. Let this amount be what X earned in that year.

Two: assume the said planes belong to another investor (Y). A tourist paid US \$ 2400 as air fair for the whole safari. Y earned a gross total of US \$ 4,800,000 in 1996.

British Airway and KLM are the leading airlines ferrying tourists to and fro Tanzania, not Air Tanzania. The vast majority of Tanzanians live far below the 'poverty line'; in 2001 the income was US \$ 246 per capita, that is to say 1 less than US \$ 1 per day (visit tanzania.go.tz).

Remember the average income per capita is obtained by an arithmetically equal distribution of wealth, which no Utopia is expected to achieve. Even then, an average Tanzanian would have to work for over 2,430 and 19,500 years to earn what X and Y respectively earned in just one short year. And the average life expectancy is estimated at 48 years. What is true about Tanzania is similarly the case in Kenya.

This is a parasitic stratum which strengthened tour and travel companies in the same way in which local communities are weakened. It is polarisation of wealth and poverty at two opposite extremes. It is all sheer robbery, criminal plunder of the weak by the strong. To borrow a line from Dr. Walter Rodney, 'capitalism is parading in without even a loin cloth to cover its nakedness.' In the strictly economic sense, without any political undertones, any multiplier effect not only spills outside the two countries, but spills most often into the pockets of those who do not need it; lavishly rich western investors.

9. Will They Survive?

This sounds a simple question capable of a straight answer, but in point of fact it raises several complicated issues. In this concluding part only a few issues will be examined.

Foremost natural calamities, particularly the 1890 disaster and also many other severe drought periods weakened the Maasai (Fosbrooke, 1972). Secondly, the intervention of colonial administration and subsequently the 'independent' Governments worsened their situation. Currently, an alienation from an adequate independent source of food and income is evident. (Parkipuny, 1991). All this combined hits the Maasai pastoralists hard. The net result is that they have become increasingly vulnerable to drought, subsequent food shortages and famines. They are forced in an unpleasant state of limbo.

Occasionally clashes occur. In 2004 in Tanzania for example the landed resources-based conflict between the Maasai and the Sonjo communities in Ngorongoro District left many people wounded and the vast majority being displaced in both sides. This is not an isolated case and it is definitely not the worst. In 2000, again in Tanzania, a simmering conflict between the Maasai pastoralist and peasants in the Morogoro Region erupted claiming dozens of lives, homes razed to the ground and several people wounded.

Neither is this man-made disaster confined to Tanzania alone. It is, apparently, becoming the order of the day in Kenya. The most recent example illustrates the point just made. At least 40 people had died, dozens serious injuries and hundreds have fled their homes following the clashes that broke out in Mai Mahiu and Mandera, about 60 kilometres southwest of Nairobi (*The Standard*, February 14, 2005). The bone of contention is the use of River Ewaso Kedong' whose volume of water has been reduced drastically because of the current drought. The Maasai, who live downstream, claim their neighbours, the Kikuyu, upstream are using the river water for irrigation, thereby complicating the drought situation for them and their livestock (*The EastAfrican*, January 24, 2005). The area was 'traditionally roamed by nomadic Maasai cattle herders but settled since the 1970s by small-scale farmers from the Kikuyu community' (visit news.scotsman.com). These trends seem, unfortunately, to be escalating.

Meanwhile, extreme poverty is causing the Maasai to move into towns where they are employed to do petty jobs, which are humiliating and demeaning. The following sentence sum-up the Maasai situation: the Maasai 'have undergone serious transformations and... they can no longer be idealised as a group of nomadic wanderers, as often portrayed in beautiful picture books for tourist market' (Dietz & Mohamed Salih, 1997). Stopping this downward slide, let alone reversing it, is next to impossible (Chambers, 1983:138).

Those interested in peace and stability in the region, the Governments of Kenya and Tanzania included, are advised to put in place policies which will minimise these tragedies. The most important of all being *fair* and *secure* land tenure. At the same time, the Governments should ensure a fair distribution of all resources for the benefit of all. Professor Yash Pal Ghai, Chair of the Constitution of Kenya Review Commission (2000-4), argues that landlessness 'need to be resolved through national policies with sensitivity to the special problems and needs of particular communities' (2005).

On the other hand, the world should hold responsible all creators of the Maasai abject misery, starting particularly with British and German Governments. There is plenty of documentary evidence supporting this argument.

The British, however, are well known for their saying which goes: 'let by-gone be by-gone.' Britain had many colonies throughout the world and its adventures wherever the British wandered is more or less the same. It cannot possibly, therefore, stand the agony of compensating the world.

Here is specifically where the intervention of the 'international community' is needed. Britain and Germany must be held to account for the blight the Maasai are facing. If such a statement sounds wildly extravagant it is because of the refusal to look history into the face. Germans have been held to account for Nazi atrocities. The USA has compensated Japanese-Americans for their internment during the Second World War.

The Maasai have suffered the most abject misery following German and British colonialism. They too, like Japanese and Jews, deserve compensation. They should - and are in fact - demanding compensation and return of their land (MAA, 2004).

Back to the survival question. The answer is quite resoundingly and unequivocally, 'yes, of course, yes.' If by Maasai survival one is talking of a dynamic society in future times as opposed to a 'static' people that depend on the creators of their misery, one is optimistic. There is no reason for sinking under the load of despair.

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[1] Tanganyika 'united' with Zanzibar to form Tanzania in April 1964.

[2] The British and Germans confused Oloiboni to be the Chief. He was a medicine-man and rain-maker. Though his position enjoyed prestige in the Maasai society he could not claim any political authority.

[3] To my understanding, cattle, goats, sheep, camels and donkeys eat grasses NOT money. Thus the land redistribution agenda should not be compromised. Secondly there is no contradiction between fighting for land redistribution and seeking compensation for the same.