

# **MALICE IN MAASAILAND: the historical roots of current political struggles**

## **Les comptes non soldés du Maasailand : les racines historiques des luttes politiques contemporaines**

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### **Abstracts**

Current struggles for power, land and resources in Kenyan Maasailand can only be understood in a 100-year context, by returning to the forced moves and land losses of the 1900s and closely examining subsequent complaints about their alleged illegality and long-term impacts. This has not been attempted before, although some scholars and many Maasai have attributed growing impoverishment, marginalisation and acute pressure upon land and people to a process of land alienation begun by the British in 1904.

The Maasai-British relationship always turned upon notions of honour, mutual respect and moral obligation; for some Maasai at least, these still have meaning. In 2004, the hundredth anniversary of the first Maasai Agreement and forced move was marked by activists with calls – directed at both the Kenyan and British governments – for compensation and the return of alienated land. This reparations claim is ongoing. Drawing upon archival research and oral testimony, this paper explains why the Maasai community's sense of loss and betrayal is so enduring. It describes how divisions in Maasai ranks are re-emerging; how the land reparations discourse has developed over time; how all parties have confused the issues; the role played by politicians and grassroots NGOs in articulating claims; and the uses of history and 'myth' in constructing nationalist and bounded identity.

### **Résumé**

La lutte actuelle pour le pouvoir, la terre et les ressources dans Maasailand Kényan peut être comprise seulement dans une perspective centenaire, en retournant aux mouvements forcés et aux pertes de terres pendant les années 1900 et en examinant de près les plaintes subséquentes au sujet de leur

illégalité prétendue et leurs impacts sur le long terme. C'est la première fois qu'une analyse de ce type est entreprise, même si quelques chercheurs et bon nombre de Maasai ont attribué l'appauvrissement grandissant, la marginalisation et la pression aiguë sur la terre et les gens à un processus d'aliénation de terre commencée par les Britanniques en 1904.

La relation Maasai-Britannique a toujours reposé sur les notions d'honneur, de respect mutuel et de devoir moral; pour quelques Maasai au moins, ces principes faisaient sens. En 2004, le centième anniversaire du premier Accord Maasai et du déplacement forcé a été marqué par les appels des activistes – dirigés aux gouvernements du Kenya et du Royaume-Uni – en faveur de la compensation et de la restitution des terres aliénées. Cette demande de réparations continue. En faisant appel aux documents d'archives et aux témoignages oraux, ce papier explique pourquoi, parmi la communauté maasai, les sentiments de perte et de trahison persistent. Il décrit comment des divisions dans les rangs des Maasai réapparaissent ; comment le discours sur les compensations de terre s'est construit progressivement ; comment tous les partis ont confondu les questions ; le rôle joué par les politiciens et les ONGs locales dans l'articulation des réclamations ; et les usages de l'histoire et du « mythe » en construisant une identité nationaliste et agglomérante.

**Keywords:** Maasai, moves, treaties, land losses, Laikipia, British, identity, reparations.

The time has come for the Maasai community to pause and review, reflect and evaluate their total losses during the horrific removal by the British Imperial Regime from their lands ... It would not be improper or imprudent for the Maasai to demand that they get back part of their pasture lands or be paid compensation...<sup>1</sup>

The area known today as Kenyan Maasailand has risen from the ashes of the old Southern Maasai Reserve.<sup>2</sup> Though other Maasai populations exist elsewhere in the country, Narok, Kajiado and Trans-Mara Districts are home to the vast majority of the 400,000-strong Kenyan Maasai. Yet few visitors, either domestic or foreign, to the western portion of this area have any inkling that a sizeable proportion of its Maasai residents do not live there out of choice. Their parents and grandparents were driven there at gunpoint and corralled along with their cattle in a virtual human zoo. Parts of this zoo later became highly desirable as wildlife conservation areas, when national parks and reserves were established and replaced the old game reserves, and the Maasai became aesthetic components of the western safari experience. Though many have prospered in the south, particularly from land

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<sup>1</sup> From an unpublished Concept Paper by SIMOO, a Maasai NGO.

speculation, ranching and tourism revenues, there is growing impoverishment, marginalisation and acute pressures upon land and people that some scholars and many Maasai attribute to a process of land alienation begun in 1904.<sup>3</sup>

Migration to this area followed two agreements or treaties that the British made with the Maasai in 1904 and 1911, the second of which – together with the loss of Laikipia – was unsuccessfully contested by a group of Maasai, using British lawyers, in the High Court of British East Africa in 1913.<sup>4</sup> In this short paper I cannot explore these events; suffice to say that the British relieved the Maasai of an estimated 50 to 70 per cent of the land they had once used, and broke promises made in the 1904 Agreement that the reserves set aside for them would remain theirs for ever. There is substantial evidence that the British government perpetrated a great injustice that has repercussions to this day. It had made a solemn contract over land – the only one of its kind made with an ethnic group in British East Africa – and broken its terms seven years later, under the pretext that the Maasai themselves had asked to be relocated. The Southern Reserve, to which thousands of Maasai were forcibly moved from the Rift Valley and Laikipia, was an inferior substitute for their former northern territory, which they call Entorror. In particular, its western extension – created in 1911-12 to accommodate Maasai migrants from Laikipia – lacked sufficient permanent water sources, accessible forests and drought refuges. Any subsequent ‘overgrazing’ and ‘overstocking’ were a direct result of increased confinement, overcrowding in certain areas, curtailment of seasonal migration, a permanent state of quarantine and early restrictions on cattle trading. The incoming Maasai (who joined Maasai groups already living in this area) suffered massive stock and human losses in the decade following the second move when resistance had not yet developed to livestock and human diseases that were either unknown or not prevalent in the north. In the longer term, a combination of factors (driven by the moves and colonial intervention as a whole) led to acute population pressure, land degradation, erosion of subsistence livelihoods and increased vulnerability to drought.

The Maasai’s sense of loss and betrayal has not gone away. Complaints about the land alienation and its consequences have been articulated publicly on four main occasions: before the Kenya Land Commission (KLC) in 1932; at the second Kenya Constitutional Conference of 1962 that preceded independence; at talks in 2003-5 on the constitutional review; and most recently in threats by Maasai activists to sue Britain again, in the hundredth anniversary year of the first agreement. Leading age-set spokesman Parsaloi Ole Gilisho (who initiated the 1913 lawsuit) gave oral evidence to the KLC in Narok, but said nothing about a desire to regain Laikipia, beyond expressing bitterness that ‘the Samburu are living in the country in which I used to live. They have gained prosperity and I have

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<sup>2</sup> For a full description of both reserves, see Sandford. Maasai is the correct spelling but Masai will be used when quoting colonial sources.

<sup>3</sup> For example, see Campbell; Olol-Dapash; Keiwua, Ntimama; Sindiga.

<sup>4</sup> These events are the subject of my doctoral dissertation and book, ‘Moving the Maasai’.

had nothing but hardship'.<sup>5</sup> In a memorandum Maasai leaders asked that Laikipia be returned to them in order to 'rectify a glaring injustice'. This was refused, the KLC chairman declaring that no land granted to Europeans would be given back to the Maasai.<sup>6</sup>

In spring 1962, at the constitutional talks in London, the Maasai were represented by members of Kenya's Legislative Council Justus Ole Tipis and John Ole Konchellah (from the KADU party) and John Keen (KANU), together with seven others including a legal adviser. In a memorandum, they asked (among other things) for land relinquished in 1904 and 1911 to be recognised as belonging to the Maasai, and returned to its original owners once European settlers had vacated it. They claimed this land had only been relinquished for the purpose of European farming and no other, complaining that non-Europeans were now being allowed to take it up. True, the 1904 Agreement had specified that the Rift Valley was being cleared of Maasai 'for the purposes of European settlement', but to read into this that it would be returned at some later date, should the British leave Kenya, was completely false. The Maasai sought assurance that they would continue to enjoy security of tenure in their reserved territory after independence, and claimed that parts of the reserve had been alienated in contravention of the agreements. The memorandum ended in a threat: if the constitution did not 'contain adequate guarantees ... [the Maasai] will be forced to conclude that their only remedy lies in methods other than negotiation'.<sup>7</sup>

Fear of Kikuyu domination underscored this document. When Jomo Kenyatta declared that the Kikuyu must be allowed to occupy land in the Rift where they currently squatted and/or worked on European farms, there was an outcry from Kalenjin and Maasai delegates. It was not just a matter of the Rift: Maasai were also concerned that 'alien' infiltration of the reserve was likely to increase once Kenya became independent. It was still administered as a closed area, as decreed in 1906 under an ordinance and reaffirmed by the second treaty, which they feared would be dissolved at independence.

The memorandum alleged that the recent famine in Maasailand, following drought and floods, was 'a direct result of having been induced to leave the best watered and most fertile areas'.<sup>8</sup> As the Maasai saw it, their survival now hung in the balance. The background to this was anger at being among the last communities to receive famine relief after the 1960-61 drought, and when it came it was American, not British. Alan Jacobs has described how the four issues of treaty, land losses, drought and aid came together with explosive force at Lancaster House:

...the Conference ... threw the Masai Treaty of 1911 into a new perspective for them: not only did traditional elders feel that they would not be suffering today if they still possessed the lands which they felt had been taken from them by threat of force in the past, but their leaders were also critical

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<sup>5</sup> *KLC Evidence*, vol 2, pp. 1199-1202. Ole Gilisho gave evidence at Narok on 19 October 1932. Born Laikipiak but assimilated into the Purko section, Ole Gilisho (c1875-1939) was a member of the right-hand circumcision group of the Il-Tuati II age-set.

<sup>6</sup> *KLC Evidence*, vol 2, pp. 1221-30, 1202.

<sup>7</sup> 'Memorandum on Masai Lands in Kenya'.

and unsatisfied with the “vague assurances” being given them about the status of the treaty and the autonomy of their territory in a new independent state. Secondly, shaken by the severity of the drought and the lack of ready famine relief ... their anger grew with the discovery that the bulk of the food supplies which eventually arrived ... were ‘Donated by the People of the United States of America’...<sup>9</sup>

Back at the talks, Keen – who also submitted a separate memorandum on the treaties – asked for land compensation of £5.8 million up front (based on £100,000 per annum since 1904) and another £100,000 annually. On being rebuffed, the delegation refused to sign the final conference document, and Keen walked out altogether.

The British responded by acknowledging that the Maasai Agreements were still valid, but denied they were legally binding. They did admit that the government had a ‘moral obligation’ to the Maasai as a result of the agreements, but defined this very narrowly: the Maasai would be allowed to continue living in the Southern Reserve where land could not be alienated to non-Maasai without their consent. Earlier, Governor Renison and others had promised to help the Maasai arrive at a new agreement with Kenya’s independent government – one that respected and preserved their current rights. This never happened. By 1963, Britain had toughened its line, saying it considered it had ‘adequately discharged its obligations under the Agreements made with the Masai ... and that there is no duty on the British Government to negotiate further measures with the Kenya Government’.<sup>10</sup> Ole Tipis later asked why the moral obligation could not be transferred to the new regime.

### A divided nation

The land issue not only pits Maasai against the British; it also involves intra-Maasai wrangling. Old scores from the 1960s are still being settled by ageing ‘warriors’ including Keen.<sup>11</sup> Behind the scenes at Lancaster House there appears to have been a feud between Keen and his fellow Legislative Council members, centred on KADU’s plans for *majimbo* or regionalism, though Keen now denies this. Most of the personalities have changed but elements of this struggle are ongoing and unresolved today – particularly issues around representation; the comparative merits of inclusion or exclusion as an indigenous community within the nation state; who is to blame for under-development in Maasailand; and a lack of consensus on what Maasai actually want from the British and Kenyan governments by way of recompense.

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<sup>8</sup> ‘Memorandum’, *ibid*, p. 2.

<sup>9</sup> Jacobs, ‘The Pastoral Masai’, pp. 77-78.

<sup>10</sup> Draft telegram, 8 December 1963, in ‘Representations by Masai people’.

<sup>11</sup> See Rutten chapter in Rutten, Mazrui and Grignon for the story of Keen’s chequered political career. He was MP for Kajiado North and a founding member of the Democratic Party.

Current feuds have even older roots dating back to 1930 and the formation of the Masai Association, and to 1945 when a group calling itself The Group of Educated Maasai (OLO) was created to decide what could be done to develop Maasailand. The Association was the first Maasai political organisation, and its members had presented the memorandum on land grievances to the KLC. The OLO had begun to break up by 1955, but some of its members went on to organise the Masai United Front (MUF) as a political party in 1960. The MUF brought Kenyan and Tanganyikan Maasai together, and (fearful of what might happen under independent African governments) considered declaring an independent state. Though short-lived, these were important groupings of relatively educated people united by concerns that Maasailand was falling behind in development and vulnerable to encroachment from neighbouring agriculturalists.<sup>12</sup> Keen had been secretary and a founder of the MUF; when he quit to join KANU, this so angered former MUF chairman Stanley Oloitipiti that he urged fellow Maasai to declare a vote of no confidence in Keen. Marcel Rutten writes: ‘The rivalry between these two men was to dominate Maasai politics for the next two decades to come.’<sup>13</sup>

In contemporary Maasailand the land loss issue (both colonial and post-colonial) is never far from the political battle between relative youngsters such as George Saitoti, William Ole Ntimama, Stephen Ole Ntutu and others; it is much too valuable as a vote winner. It is also linked to hot issues such as non-Masai immigration to these districts, continued land grabbing, and accusations that powerful individuals have stolen the profits of wildlife tourism from fellow Maasai. Of course, many Maasai have long traded with and intermarried incomers, mainly Kikuyu, making assertions of ethnic ‘purity’ nonsensical. Some Maasai are as guilty of land grabbing as outsiders. As for the third issue, apart from the public accusations that make headlines, there are constant rumblings in Maasailand about local people who have grown rich as a result of fiddling game park receipts and worse.

Munei Ole Kimpei and John Galaty have noted what happens when members of group ranches acquire and sell individual land title in order to meet immediate needs, without fully understanding the long-term implications:

‘As a result, large tracts of Maasai land are increasingly falling into the hands of non-Masai ... But the Maasai leadership – local and national – is seriously compromised by its conflict of interest over the land question since it is most likely to benefit from land alienation and sale. Local leaders are often those who receive large land allocations, which when sold, become income; and they are in the best position to purchase land ... or to serve as agents in land transactions when ultimate buyers are non-Masai ... Finally, Maasai leaders often depend on electoral support from non-Masai living in their districts, many of whom are active in procuring Maasai land. Thus, while not illegal, the tacit encouragement of and passive acquiescence to Maasai land sales, especially those

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<sup>12</sup> Jacobs, *Pastoral Masai*, pp. 73-76, briefly describes the development of these two groups. Also see King; Rutten, *Selling Wealth*; Waller, ‘Acceptees and Aliens’.

involving poorer pastoralists who will be left destitute, represents a scandal with only one precedent: the expropriation of the desirable central Rift Valley from Maasai by white settlers at the beginning of the 20<sup>th</sup> century.’<sup>14</sup>

Rather than address all this home-grown malice in Maasailand, it has proved easier for rabble-rousers to lay blame on the British. There is indeed solid evidence that colonial intervention helped to trigger a process of socio-environmental decline, marginalisation and increasing division. But internal division pre-dated colonialism, and other contributory factors within the Maasai community have led to the current impasse. The relatively recent construction of a nationalist identity does not square with the fractured reality of a society in which allegiance to the age-set, clan and section tends to override anything else – apart from allegiance to political parties. It has been in the interest of certain Maasai politicians to keep their constituents ignorant and uneducated. Elite families who benefited from British colonial patronage, and later that of former president Moi, have consolidated their gains at the expense of poorer Maasai, and so on. Keen also blames Maasai passivity and apathy for their past and present troubles, just as colonial administrators did.<sup>15</sup>

#### Claims and counter-claims

Maasai activists now plan to revisit the 1913 case in order to seek legal redress and reparations. This development is mired in historical distortions, such as an insistence that hundreds of warriors were shot dead during the second move and on battlefields that never existed. Some Maasai claim that their warriors violently resisted colonialism, when in fact they were happy to work as mercenaries on British punitive expeditions against other ‘tribes’ for which they were paid in confiscated livestock. Ntimama (a government minister until the recent cabinet reshuffle) has written in the journal *Cultural Survival Quarterly*: ‘For about ten years (1890-1900) we resisted the British colonialists ... By 1901-2 we were a defeated people. We were killed by the thousands...’<sup>16</sup> In fact, the civil Morijo War was raging; Maasai were engaged in killing each other. If it had not been for the prophet Olonana’s alliance with the British, Olonana would not have won this war against his brother Senteu – and if it was not for his duplicity, years later, the second Maasai move may never have happened. At the end of the nineteenth century, hundreds of Maasai were seeking refuge from famine and warfare in British forts, not attacking them. Many more sought refuge with their neighbours, largely Kikuyu. Current revisionism can be interpreted as wishful thinking on the part of those who refuse to accept that the earlier generation of warriors did not resist the moves. Some journals and websites devoted to indigenous issues show a dangerous tendency to print wildly ahistorical claims

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<sup>13</sup> Rutten, *Selling Wealth*, p. 204.

<sup>14</sup> Ole Kimpei and Galaty, ‘Maasai Land’.

<sup>15</sup> Interview with John Keen, April 2004, by Michael Ole Tiampati on behalf of Lotte Hughes.

without checking their accuracy, and thus myth becomes fact, consumed by millions. A hundred years later, the warriors are winning their non-existent battles with the British on the internet.

There has been renewed talk of breaking away to form a sovereign state, or adopting *majimbo* or regionalism, originally propounded in the early 1960s by KADU who saw it as a means of protecting minority communities. Maasai and Kalenjin politicians have been particularly vociferous in calling for *majimboism*, claiming that the Rift Valley – allocated the largest number of seats in parliament – was traditionally their territory and ought to be returned to them. If implemented, *majimboism* could mean the expulsion of all other ethnic groups who have settled in the Rift since the 1920s; in other words, ethnic cleansing. This has already been tried, resulting in fatal clashes. Those in favour of secession or separation of some kind fail to see the contradiction between breaking away while simultaneously demanding social inclusion. There is a distinct danger that the Maasai, if they pursue this plan, may face greater isolation than ever before.

Many factions now seek to make political capital out of past events, and in the process lay claim to memory, heritage and history. Mau Mau veterans' groups plan to sue Britain for alleged human rights abuses in detention in the 1950s. The Nandi have threatened to sue Britain for killing their prophet Koitalel a hundred years ago. Maasai women on Laikipia are pressing rape charges against British soldiers. There are numerous other examples, with varying degrees of merit. A climate of blame has developed in Kenya, with citizens taking their cue from the NARC government which had vowed to win justice for the victims of past crimes including land grabbing and corruption. With the release of the Ndung'u Report into misuse of public land Kenya began to repossess millions of hectares illegally seized by Moi and his cronies – but reclaiming land snatched in colonial times is not a nettle the government wishes to grasp.

Most recently, indigenous and minority peoples' representatives made their mark at talks on reviewing Kenya's constitution. The draft constitution (torn up since the government spectacularly lost a national referendum last November) had allowed for redress for past injustices, including land alienation, and the Maasai saw the talks as their opportunity to get even for what happened in the 1960s when Britain failed to ensure that Maasai rights were written into the first constitution. Many of the issues fought over at Lancaster House have come up again. At the talks, Ntimama (MP for Narok North) raised Maasai hopes of land restitution and damned the 'bogus agreements' through which they lost territory – which is very different to Keen's appeal to Britain to honour them.<sup>17</sup> The Maasai need to make their minds up: do they go down the Maori route and use colonial treaties to hold the former imperial power and current national government accountable, or is it in their best interest to rubbish the treaties? They cannot have it both ways. The broader context to all this is of

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<sup>16</sup> Ntimama, 'Maasai Dilemma', p.1. The SIMOO paper states: 'We lost men, women and children during the forceful relocation. Hundreds of Morans were mowed down by machine gun fire ... We lost in court and also in the battlefield', *ibid.*, p. 2.

<sup>17</sup> *Daily Nation*, Kenya, 28 May 2003 and the two successive days.

course the global fashion for seeking reparations, the rise of the international indigenous rights' movement since the 1970s, the growth of human rights-focused NGOs (international and local), and moves within the United Nations to safeguard collective indigenous rights.

### The uses of history and myth

The use of history by contemporary Maasai fits a definition by Greg Denning: 'History is not the past: it is consciousness of the past used for present purposes'.<sup>18</sup> To turn to the current rhetoric, let us examine the differences between public statements made by serving politicians (notably Ntimama) and what Keen and grassroots activists are saying. First, Ntimama and others have ceaselessly invoked stories about the colonial past and a notional Maasai nationalist identity when calling for justice and the return of land. Embedded in the rhetoric is the idea that the Maasai face extinction, a vision rooted in the Hinds' 1901 classic *The Last of the Masai*. This is not borne out by subsequent population growth, but the notion is attractive to any community that believes itself to be besieged. Keen's 1962 memorandum stated that moving the Maasai from their best lands had 'rendered [them] on the road to extinction'.<sup>19</sup> The following year, Ole Tipis (then president of the MUF) told Governor Renison that the Maasai had 'been driven to extinction by the British'.<sup>20</sup>

Ntimama has picked up and run with this theme, accusing the Kenyatta government of settling thousands of people in Maasailand including 'the rejects of other societies: criminals, drug addicts and vagrants [who] are threatening to engulf our existence'.<sup>21</sup> It seems that the Maasai, once the supreme Others, have become obsessed with the Other – partly as a consequence of colonial reservation policies that entrenched ideas of exclusivity, essentialism, bounded and static ethnic identity, and the necessity of ejecting 'aliens' from the Maasai's 'promised land'. In the words of the 1904 Agreement, they would be allowed to keep their reserved lands 'for so long as the Masai as a race shall exist', a phrase Keen reiterated in interview to remind Britain that they do still exist, despite alleged attempts to decimate them.<sup>22</sup>

Ntimama's public claims tend to coincide with electioneering and the need to revive his flagging career. It is significant that he remained silent on the Maasai land issue for two-and-a-half years after NARC came to power, when he was relatively marginalized, only going public again soon after regaining a cabinet post. But renewed clamour for the return of lands also tends to coincide with or follow severe drought, as it did in 1930 (the year the Masai Association was formed), and in 1960-62.<sup>23</sup> Drought sharply reminds the Maasai of their forced confinement and loss of dry season grazing,

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<sup>18</sup> Denning, p. 72.

<sup>19</sup> 'Memorandum on Masai Treaties', p. 1.

<sup>20</sup> From 'Representations by Masai people'.

<sup>21</sup> Ntimama, 'The Maasai Dilemma', pp. 2-3.

<sup>22</sup> Interview by Tiampata, *ibid.* Ironically, Keen's father is said to have been German and his mother Samburu, rendering him ethnically 'alien' according to Maasai definitions.

<sup>23</sup> See King, p. 137, on the link between drought and raised political consciousness.

and spurs their leaders to speak out. Ntimama's 1994 article for *Cultural Survival* coincided with drought, a fact he mentioned. In October 2000, at the height of a drought which saw Kajiado pastoralists and their herds invade Nairobi verges and Rift Valley ranches in search of grass, Ntimama spearheaded 'a new push for Maasai land rights' in a widely publicised rally.<sup>24</sup> In summer 2004, calls for the return of Laikipia – which pitted African graziers against white ranchers and ecotourism interests – again coincided with a nationwide drought that fuelled grassroots anger, although the main peg was the hundredth anniversary in August of the signing of the 1904 Agreement.<sup>25</sup>

To mark this, Maasai people demonstrated in Nairobi and other towns, and invaded private ranches in Laikipia where police shot dead one elder. Some demonstrators in the capital were arrested when they tried to present a petition to the British High Commission. Ntimama broke his silence, hitting the headlines day after day to support the demonstrators and castigate the police and his cabinet colleague Amos Kimunya, minister for lands. Kimunya accused him of inciting the ranch invasions, although on this occasion Ntimama was simply getting on a bandwagon set in motion by grassroots NGOs – a fact he more or less admitted. There were calls for Kibaki to sack him. Speaker of the House Francis Ole Kaparo, a Mukogodo Maasai and a landowner on Laikipia, also criticised Ntimama for supporting ranch invasions in northern Kenya while ensuring his own district of Narok remained peaceful.<sup>26</sup> He told the minister to 'take his blood thirst elsewhere', before Keen brokered a truce.<sup>27</sup>

On comparing the public speeches, NGO statements and the interview with Keen, it seems to me that at least three strands of rhetoric emerge from Maasai calls for reparations. Keen and grassroots activists are concerned with *moral* questions – the alleged immorality of British actions and the requirement that they 'honour' the treaty pledges. In interview, Keen mentioned honour, justice, fairness and related issues 26 times. This is primarily a moral crusade, and an appeal to British rectitude. (By saying what it did in 1962, the British government itself bought into this dialogue.) Keen, apparently the only surviving member of the 1962 delegation, has the seniority and moral authority to lead this crusade from behind, and he was the one who suggested 40 years ago, in his memorandum at Lancaster House, that a second legal action was necessary. The grassroots NGOs, led by relatively educated young Turks, stir into the mix ideas and language lifted from human rights discourses and international debates on the historical obligations inherited by post-colonial governments. In Kajiado District – where the Oloisho-oibor Declaration on land rights was drawn up in 2002, a basis for subsequent claims – activists have insisted on the principle of ordinary citizens, not politicians, spearheading this struggle.

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<sup>24</sup> 'Ntimama in new push for Maasai land rights', *Daily Nation*, 2 October 2000.

<sup>25</sup> Meera Selva, 'The Battle of the Rift Valley', *The Independent*, London, 24 July 2004; Jeevan Vasagar, 'Masai campaigners seek return of ancestral lands from white ranchers', *The Guardian*, same date. The BBC and other international media picked up the story.

<sup>26</sup> 'Maasai kingpins clash over land', *Daily Nation*, 29 August 2004.

<sup>27</sup> 'Ntimama is inciting Maasai, says Kaparo'; 'Ntimama and Kaparo in truce', *Daily Nation*, 12 and 18 September 2004.

By contrast, Ntimama – who started a concerted push for the return of land in the early 1990s, just before the ‘ethnic clashes’ – damns the colonialists but mostly targets other ‘outside forces’ in unashamedly racialised language. His calls for Maasai land rights have always been interpreted as incitements to racial violence by other ethnic groups, especially Kikuyu, though Kaparo and other Maasai have also voiced criticism. Finally, there are NGOs in Laikipia which primarily advocate for Il-Laikipiak rights, and claim no other Maasai sections have suffered as much as they have.<sup>28</sup> The leading Maasai NGO there was Osiligi, Organisation for the Survival of the Il-Laikipiak Maasai Indigenous Group Initiatives, which won a major lawsuit against the British Ministry of Defence in 2002. Though part of the pan-Maasai push for land rights, they also have another agenda – the resurrection of a section, and its expressed ethnic identity, that historians claim was wiped out in civil warfare at the end of the nineteenth century. In July 2004 Osiligi swiftly seized the initiative vis-à-vis other factions, issuing a press release that expressed the views of ‘residents of Laikipiak Maasai District’ as if these were representative of the Kenyan Maasai as a whole. Ntimama later admitted, ‘some Maasai are using Laikipia as a test case’.<sup>29</sup>

Unfortunately, the release contained very basic historical inaccuracies. Ignoring the fact that Laikipia was ‘given’ to the Maasai in 1904 and taken away in 1911, it confused the 1904 Agreement with a 99-year land lease and called for the return of Laikipia when the agreement ‘expired’ on 15 August. This is what prompted the ranch invasions; it was believed that settlers were simultaneously issued with 99-year leases in 1904. In fact, Europeans did not settle permanently on Laikipia until after the last Maasai had been evicted in spring 1913. The leases myth was taken at face value and reiterated by journalists, ranchers and others; the Kenyan government also began talking erroneously of leases and expiry dates.

Osiligi’s demand that alienated land should automatically revert to its previous owners on a given date echoed what the Maasai delegation had said in London in 1962. It said nothing about losing or reclaiming the Rift Valley – a far larger and qualitatively superior territory. The NGO spoke on behalf of ‘the sons of daughters of Olonana’, which ignored sections like the Loitai that followed Senteu and his family, never mind Olonana’s duplicitous role.<sup>30</sup> This phrasing therefore excluded certain Maasai. Finally, it reiterated an old myth: events planned for 15 August would commemorate those ‘who were intimidated, tortured and killed by the British colonialists while defending their motherland’.<sup>31</sup> Leaders were indeed intimidated, but not tortured or murdered.

Ntimama later demanded 10 billion Kenyan shillings compensation for the lost land, without defining it. Activists presented a 10-page Memorandum on the Anglo-Maasai ‘Agreements’ to the British High Commission and Kenyan government. This played down the lease question and Laikipia,

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<sup>28</sup> Personal communication with members of Osiligi.

<sup>29</sup> ‘Maasai kingpins’, *ibid.*

<sup>30</sup> He allegedly asked Governors Hayes Sadler (in 1909) and Girouard (1910) to move the Maasai from Laikipia so that he could re-assert his authority over them, Hughes dissertation, Chapter 2.

emphasising the unity of Maa-speaking communities. It called for land restitution as well as compensation from both Kenya and Britain ‘for all the historical and contemporary injustices’ which the Maasai have allegedly suffered. It was based on a paper that NGO leader Joseph Ole Simel gave at a UN seminar in Geneva in 2003.<sup>32</sup> The community was finally doing what Keen has long urged: ‘moving forward with two legs instead of standing on one’.<sup>33</sup> But it was all over for Osiligi, at least temporarily; de-registered by the government, its bank accounts frozen, its leaders went underground, fearing arrest. A pan-Maasai task force has since taken charge of plans for the planned legal action.

If the Maasai moves had never happened, the map and history of Kenya would have been completely different – socio-economically, politically, spatially and environmentally. Maasai attachment to their former northern territory represents a larger nostalgia for the past, the concept of a Maasai nation, and for the Purko section’s hegemony over other sections, following their rout of the Laikipiak in the nineteenth century. These splits are re-emerging.

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<sup>31</sup> Press release dated 23 July 2004. It went on to refer more generally to the Kenyan Maasai as a whole.

<sup>32</sup> Ole Simel of Mainyoito Pastoralists Integrated Development Organization (MPIDO) presented ‘The Anglo-Maasai Agreements/Treaties: A case of historical injustice and the dispossession of the Maasai’ to a UN seminar on 15-17 December 2003, Geneva. Viewable at: [www.unhchr.ch/indigenous/Simel-BP7.doc](http://www.unhchr.ch/indigenous/Simel-BP7.doc)

<sup>33</sup> Keen interview, *ibid*.

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